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THE NATIONAL ERA.

G. BAILEY, EDITOR AND PROPRIETOR; JOHN G. WHITTIER, CORRESPONDING EDITOR.

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WASHINGTON, D. C.

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For the National Era.

HERMAN;

OR,

YOUNG KNIGHTHOOD.

BY E. FOXTON,

Author of "Prémices."

CHAPTER XVIII—Concluded.

An Anti-Slavery man may hardly travel with a retinue of negroes at the South, much more prudently than a Slavery man at the North. Herman feared that, through some indiscretion of his noble attendants, his peaceable and lawful business might get wind, and he himself be escorted from the State at the State's expense, as had happened aforetime to a citizen of Massachusetts engaged in peaceable and lawful business, in the law-abiding, loyal, confederate State of South Carolina. He lost no time, therefore, in shipping his charges under safe conduct, at Savannah, where Nance and old Jake, whom he had picked up on his way through North Carolina, were awaiting them, and went on, retaining only the latter, whose wife, he had ascertained from Colonel Rochemauer's papers, had been bought for a Mr. Nardwell, of Georgia.

For Georgia, then, and old Betsy, they start. Old Jake was not an ungrateful companion, but he was a very gloomy one. He really seemed as if Jeremiah had got into him. "Pears like we'se fine her dead, mas'r; but 'pears like to go an see whar dey put her all de same, an tunk 'on for dat, mas'r. She done got used to livin wid ole Jake. She too ole to learn new ways. She not know how to lib all alone. I'se, strong, an I reckoned 'twould kill me—lid so! I'd like to see her 'tered decent widow, would so—maybe mas'r 'd say a prayer."

"Say a prayer—to be sure I will, Jake—that we may find her well and hearty. Come, pluck up a good heart, old fellow! Don't borrow trouble.

"Reckon not. Allers had trouble 'nough of my own, without borrowin on it—allers did hab, allers will hab. Fus ole maus an mistis, dey ole—broke my heart a'most. Grand ole gen'man he was, wid his ruffious shirt; and she look out wid her coach an four—not like dese yer mean common men; and dey was mighty fine an mighty high, but dey was mighty good to dere people. High! dose was de times! 'Hallo, Jake!' de mas'r 'd sing out, so loud an cheery, when he'd jump off his hunter, fore de door, an see me a-bowin to him, 'Brew me some punch, an don forget to taste of it, to see it's good, you eadless ole fellow, an—Jake—arter dat, don you remember to gib me de same Jake.' He'd allers hab his joke. An de mis-is she'd come a stailin down de walk—when I was a gardenin in de garden—in her white mornin gown, jus like a white goose on de riber, 'a good mornin, good Jake,' she'd say, so nice an softly; 'you can gader me a bouquet to dose flowers, if you think you can spare em, an den go an wash your hands an ask de nu's to gib you Maus George, to fetch out here;' an de baby, bress his heart! when he'd see me he'd holler out wid his dannies an his toeloes, an chuckle an crow, an den ole nus 'ud wait for to put his cap an feaders, an den he'd kick and squall, an den I'd take him out an his moder 'd see him an smile, an den walk on a little way at try to look at her flowers; and den she'd ask me to come back to look at him, to see which was de purtiest. He was de purtiest ob all. He be grossed up such a splendiferous young gen'man, tall, an straight, an likely. Nex to de ole mas'r, I labbed him better nor anytin in de house. An Miss Conny, den I used to 'ten her, an not more on her dan I did on Nance; an when she'd cry arter me; an I said, many a time, 'Reckon you'll allers be good to ole Jake.'

"Den de ole masr's hoss done tumbled wid him ober a fillarred gate, an broke his neck—right ole fer. Dat break ole mistis' heart, so she not hab no longer. Den Maus George, he send off for Constance, an go off an get herself shot! 'pears like I had gone got shot mese'f 'en I hard dat. Wish't I had. Den we hab nobody to take care on us but de oberseer. Hard times, an bad times. De people all got cross an kind crazed. Dey was starbed, an dey was whipped when dey didn' desarbe it, so dey turned sulked an sarbed it all de time, cause dey didn' know what else to do. Reckoned 'twould rain an brimstone on de ole place, sometimes; but no, Reckon 'twould, if dey hadn used it up 'fore, on Sodom an Gomorrah. But I say to de ole woman, 'Betsy,' says I, 'Maus George, he'll come back some day, an den you'll see.' An chery sumber, I'd get a white man to tell me if 'twas de 4th June yet, an den I'd make a notch on a stick I kep; an I waited an waited, but at last I got fourteen of em; an den I says, 'Now,' says I, 'well hab good news 'fore long, an a good party mistis! An I had a silber dollar for Maus George he gib me me not to cry when he go away de last time; an I done spent it at de steamboat, for de bon-bons an sweet-things he liked, to hab all ready for her when she come; but de nex ting was Colonel Rochemauer come instead ob her, an we was all sole to same fore we knowed it."

"Say a prayer—to be sure I will, Jake—that we may find her well and hearty. Come, pluck up a good heart, old fellow! Don't borrow trouble.

"Reckon not. Allers had trouble 'nough of my own, without borrowin on it—allers did hab, allers will hab. Fus ole maus an mistis, dey ole—broke my heart a'most. Grand ole gen'man he was, wid his ruffious shirt; and she look out wid her coach an four—not like dese yer mean common men; and dey was mighty fine an mighty high, but dey was mighty good to dere people. High! dose was de times! 'Hallo, Jake!' de mas'r 'd sing out, so loud an cheery, when he'd jump off his hunter, fore de door, an see me a-bowin to him, 'Brew me some punch, an don forget to taste of it, to see it's good, you eadless ole fellow, an—Jake—arter dat, don you remember to gib me de same Jake.' He'd allers hab his joke. An de mis-is she'd come a stailin down de walk—when I was a gardenin in de garden—in her white mornin gown, jus like a white goose on de riber, 'a good mornin, good Jake,' she'd say, so nice an softly; 'you can gader me a bouquet to dose flowers, if you think you can spare em, an den go an wash your hands an ask de nu's to gib you Maus George, to fetch out here;' an de baby, bress his heart! when he'd see me he'd holler out wid his dannies an his toeloes, an chuckle an crow, an den ole nus 'ud wait for to put his cap an feaders, an den he'd kick and squall, an den I'd take him out an his moder 'd see him an smile, an den walk on a little way arter

earth in possession and Heaven in reversion, will you go sorrowing and downcast because here and there a pearl or ruby fails you? Nay, rather, forgetting those things which are behind, and reaching forth unto those which are before, press forward. Discontent and murmuring are insidious foes; trample them under your feet. Utter no complaint, whatever betide; for complaining is a sign of weakness. If your trouble this bloody contest, that *the houses of men of peace were the only places of safety*. Some of the women followed the soldiers, begging them not to take away their friend and protector, a man who expended more for the sick and the starving than others did for arms and ammunition. The schoolmaster said, "Do not be distressed, my friends; I forgive these neighbors for what they do in ignorance of my principles and feelings. They may take my life, but they cannot force me to do injury to one of my fellow creatures." As the Catholics had done, so did the Protestants; they went away, and left the man of peace safe in his divine armor.

The flames of bigortry were of course fanned by civil war. On one occasion, the insurgents seized a wealthy old Quaker, in very feeble health, and threatened to shoot him, if he did not go with them to a Catholic priest and be christened. They had not led him far before he sank down, from extreme weakness. "What do you say to our proposition?" asked one of the soldiers, handling his gun significantly. The old man quietly replied, "If thou art permitted to take my life, I hope our heavenly Father will forgive thee." The insurgents talked apart for a few moments, and then went away, restrained by a power they did not understand.

Deeds of kindness added strength to the influence of gentle words. The officers and soldiers of both parties had had some dying brothers tended by the Quakers, or some starving mother who had been fed, or some desolate little ones that had been cherished. Whichever party marched into a village victorious, the cry was, "spare the Quakers! they have done good to all, and harm to none." While flames were raging, and blood flowing in every direction, the houses of the peace-makers stood uninjured.

It is a circumstance worthy to be recorded, that during the fierce and terrible struggle, even in counties where the Quakers were most numerous, but one of their society fell a sacrifice. That was a young man, who, being afraid to trust to peace principles, put on a military uniform, and went to the garrison for protection. The garrison was taken by the insurgents, and he was killed. "His dress and arms spoke the language of hostility," says the historian, and "therefore they invited it."

During that troubled period, no armed citizen could travel without peril of his life; but the Quakers regularly attended their monthly and quarterly meetings, going miles across the country, often through an armed and furious multitude, and sometimes obliged to stop and remove corpses from their path. The Catholics, angry at Protestant meetings being thus openly held, but unwilling to harm the Quakers, advised them to avoid the public road, and go by private ways. But they, in their quiet, innocent way, answered that they did not feel clear it would be right for them to go by any other path than the usual high road. And by the high road they went unmolested; even their young women, unattended by protectors, passed without insult.

Glory to the nation that first ventures to set an example at once so gentle and so brave! And our wars—are they brave or beautiful, even if judged of according to the maxims of the world? The secrets of our cowardly encroachments on Mexico, and of Indian wars, would secure a unanimous verdict in the negative, could they ever be even half revealed to posterity.

THE INVESTIGATION OF ABUSES IN THE NAVY.

The reports of the majority and minority of the select committee of the House, in relation to abuses in the navy, were submitted on Thursday. The matters disclosed will produce a deep impression upon the country.

The following is a summary of the leading points:

"The majority report declares some abuses in the navy yards, especially of political favoritism; recognises an impropriety in the selection of Dr. Hunter as a coal agent, for the supply of fuel; exhibits the transactions in relation to the contracts for live-oak timber, but deems them right and consistent; and, in reference to steam machinery, disapproves of the appointment of Mr. Martin as a member of the board of engineers, inasmuch as a boiler invented by him was included in all the plans presented to the board. The report concludes by submitting the following resolutions:

"1. That the testimony taken in the investigation proves the existence of glaring abuses in the Brooklyn navy yard, and requires the interposition of legislative reform—that it is due to justice to declare that these abuses have been slowly and gradually growing up during a long course of years, and that no particular Administration should have the entire blame thereof.

"2. That the coal agency for some time past has been in the hands of persons wholly inefficient and grossly incompetent, and that reform is needed in the regulations which exist on the subject; and that there is no proof which traces the knowledge of such inefficiency and incompetency to the responsible authorities in Washington.

"3. While the committee will never sanction or approve, on the part of any officer of the Government, any favors to contractors; yet, if the Secretary of the Navy did contemplate any favor to Swift, he did not design to bestow it to the detriment of the Government, but that in all he did in this matter he kept always in view the good of the public and the interest of the service.

"4. That in the letters of contracts for the construction of steam machinery for the use of the navy, during the present Administration, nothing has been shown which calls for the interposition of the Congress of the United States; but it is manifest the present head of the Navy Department has displayed a very laudable zeal to secure the greatest amount of speed and efficiency attainable to said vessels.

"The minority report is very decided in its declaration of abuses in reference to each of the subjects pending in the inquiry. It asserts, in reference to the coal agency, that Dr. Hunter was a physician who knew nothing about coal, and that he transferred the whole business to a firm in Philadelphia, Hunter receiving $7,453 as his profits.

"In the matter of the live-oak timber, the report declares that compacts were made between parties for mutual advantage in violation of law, and to the detriment of the public service.

"With respect to the machinery, that the awards generally were determined upon the vote of D. B. Martin in the board of engineers, and that he was largely interested.

"And the report asserts that the navy yards have been turned into a political machine.

"They find that Hon. J. Glancy Jones, while a member of Congress, agreed with the Reading Forge Company to get Government contracts and work for it, and did so, for which he was to receive five per cent. That in so doing he violated the law.

"They moved the passage of a bill, in order to guard against abuses, and the adoption of the following resolutions:

"*Resolved*, That the Secretary of the Navy, with the sanction of the President, abused his discretionary power in the selection of a coal agent, and in the purchase of fuel for the Government.

"*Resolved*, That the contract made by the Secretary of the Navy, under date of September 28, 1858, with W. N. Swift, for the delivery of live-oak timber, was made in violation of law, and in a manner unusual, improper, and injurious to the public service.

"*Resolved*, That the distribution by the Secretary of the Navy of the patronage in the navy yard among members of Congress, was destructive of discipline, corrupting in its influence, and highly injurious to the public service.

"*Resolved*, That the President and Secretary of the Navy, by receiving and considering the party relations of bidders for contracts with the United States, and the effect of awarding contracts upon pending elections, have set an example dangerous to the public safety, and deserving the reproof of this House.

"*Resolved*, That the appointment by the Secretary of the Navy of Daniel B. Martin, chief engineer, as a member of the board of engineers to report upon proposals for constructing machinery for the United States, the said Martin at the time being pecuniarily interested in some of said proposals, is hereby censured by this House."

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WASHINGTON, D. C.

THURSDAY, MARCH 3, 1859.

All *new* subscribers will receive the *Era* from the 1st of January, unless otherwise requested.

THE RIGHT OF INSTRUCTION—BRODERICK, BRIGHT, AND FITCH.

It was a favorite doctrine of the Democratic party, in the day of its successes and triumphs, that the constituencies retain the right to instruct their Representatives, and that the Representative is bound to obey or resign. But of late years, during the decline and fall of that once formidable organization, we have had numerous examples of the wide differences which ever exist between the perfection of creeds and professions, and the deficiency of performance.

So flagrant have been the instances, in recent years, of a departure in practice from this ancient article of faith, that we had supposed it to be obsolete. It seems, however, that we were mistaken. The official organ of Mr. Buchanan brings to our notice a recent instance of the fulmination of the political anathema by the Legislature of California against the devoted head of its recusant Senator, Mr. Broderick. The *Union* is in ecstacies of delight with this "Democratic" procedure, and although it hesitates to say the word, the inference is unmistakable, that the editors, as the organ of the President and Cabinet, expect Mr. Broderick, in the name of common decency, to resign. The resolutions of the Legislature, as we find them copied into the *Union*, are as follows:

"Whereas the ninth session of the Legislature of the State of California passed resolutions instructing our Senators in Congress to support the policy of the National Administration in regard to the admission of Kansas under the Lecompton Constitution; and whereas the Hon. David C. Broderick—a United States Senator from this State—not only disregarded said instructions, but indirectly charged that the members of the said ninth session of the Legislature had misrepresented the wishes of their constituents; and whereas the people of this State, at the last election, triumphantly sustained the action of the members of said ninth session of the Legislature: therefore, for the purpose of giving to the said Hon. David C. Broderick a full understanding of the position he occupies to his constituency, be it

"*Resolved by the Senate*, (the Assembly concurring,) That the Legislature of a State constitute the immediate constituency of a United States Senator.

"*Resolved*, That a constituency has a right, at all times, and it is their duty, when deemed necessary, to instruct their representatives upon all matters of public policy pertaining to the duties of such representatives; and that to such representatives, when instructed, there is left no other honorable alternative save obedience or resignation.

"*Resolved*, That Senator Broderick has neither yielded obedience to the instructions of the ninth session of the Legislature of this State, nor has he, as yet, resigned the seat he holds contrary to the wishes of his constituency.

"*Resolved*, That the language used in the speech of said Senator, on the 22d of March, 1858, in the United States Senate, towards the Chief Executive of this Confederacy, was not only undignified and disrespectful, but alike insulting to the nation and humiliating to the people of this State.

"*Resolved*, That his Excellency the Governor of this State be requested to forward a copy of the above resolutions to the Hon. D. C. Broderick."

We claim no right to interpose in a family quarrel; but we may be allowed to make the friendly suggestion, that the resignation of Mr. Broderick, in obedience to these instructions, would be an example of fatal tendency in its effects upon the ascendency of the Democracy in the Senate, while it would at the same time administer a severe rebuke to two leading members of the Cabinet. It cannot be forgotten that General Cass held on to his seat in the Senate long after he had been repudiated as the representative of Michigan, and in open defiance of the instructions of the State Legislature. It is equally well remembered that Mr. Toucey, the Secretary of the Navy, clung to his Senatorial position after the State had become Republicanized, and grossly misrepresented his constituency on measures of the greatest importance. But these are events which belong to the past; and although the resignation of Mr. Broderick, in compliance with the resolutions of the California Legislature, might by contrast reflect discredit upon these members of the Cabinet, it could have no practical effect upon them; and we merely allude to the subject by way of a gentle hint that it is unbecoming in people who reside in glass houses to throw stones. The prospective effect of the example which is sought to be created at the expense of Mr. Broderick might be attended by consequences more serious. We say nothing of Messrs. Stuart, Wright, and Allen, whose political career will end with the present session of Congress; but there are others whose lease of political existence is longer, and who would be constrained, in the name of common decency, to follow the fatal example of Mr. Broderick. What would become of Mr. Thomson of New Jersey, Mr. Pearce of Maryland, who, though elected a Whig, is now a faithful follower of the Administration, and of Mr. Pugh of Ohio? Not one of these gentlemen truly represent their constituents, and not one of them could be re-elected. New Jersey has given a decided majority to the Anti-Lecompton "people's party," composed of Republicans and Americans. Maryland is "American" by several thousand majority, and Ohio is Republican by a still larger majority, to say nothing of a separate opposition organization, composed of Americans and Whigs. Here, then, are discrepancies between "Democratic" representatives and their constituents, which it is not wise on the part of the Administration to bring too prominently before the public.

But the most flagrant instance of a disregard of the will of their constituency, by men claiming to be Senators, which the history of this country furnishes, is yet to be mentioned. We allude to the case of Messrs. Bright and Fitch. In that case, the Legislature of a sovereign State solemnly protest that the men who claim to represent Indiana on the floor of the Senate of the United States were never elected; and, to give the most unmistakable assurance of the sincerity of their protest, they elect other men to fill the vacancies which they have declared to exist in their Senatorial representation. The Democratic majority of the Senate turns a deaf ear to the voice of Indiana, and the Washington *Union* is foremost among the defenders of this Senatorial insult to a sovereign State.

If the States have any one right which the Federal Government is bound to respect, it is the right of being represented in the Senate by men of their own choice, legally chosen. It is true that "each House shall be the judge of the elections, returns, and qualifications of its members;" and, as it regards the House of Representatives, there is a manifest propriety in [illegible] That body represents the people of the United States, as [illegible] constituents of a common National Union, in contradistinction from the Senate, which represents the States in a Federal capacity. The members of the House of Representatives have no connection with the State Legislature, or with any other Department of the State Government. It is true that their election is conducted under the State authorities, but their business is to represent the people *en masse*, and not the States. The Senate is differently constituted. It is composed of the representatives of State sovereignties, without the slightest reference to the number of people embraced within them. The Senators are elected by the solemn act of the State Legislatures.

In the election of members of the House of Representatives by the people at the polls, numerous cases of a dubious result must necessarily occur, owing to the great numbers of the electors, the abecence of sufficient legal responsibility on the part of the judges of the polls, and the real difficulty of preventing fraudulent voting. The House of Representatives is the only legal body which could settle these cases. The State Governments have nothing to do with them; and public opinion cheerfully acquiesces in the constitutional regulation which refers them to the House for decision. But in the case of Senators, every friend of State rights will watch with jealousy cases of disputed election. Senators are chosen by the State, not by the people of the State. They represent it, in some sense, as Ambassadors to a foreign Court; and while we will not undertake to question the propriety of the constitutional regulation which vests in the Senate the right to determine the validity of the election of its members, we insist that the greatest caution and delicacy should be observed in supervising the acts of the States.

The majority of the Senate, in the case of the Indiana contested case, while professing the most ultra State Rights doctrines, have shown none of this delicacy. It has rudely set aside the authority of the State, in violation of its own precedent at the last session of Congress. We but utter the common opinion of all dispassionate men when we say that the admission of Bright and Fitch to seats in the Senate, immediately after the rejection of Mr. Harlan, has been accomplished by the majority in that body on grounds of the lowest and most disreputable party exigency, regardless of the rights of Indiana, and of the honor and dignity of that body.

A party which has thus signalized its contempt for the popular will, and for the obligations of law and justice, should be the last to insist on representatives obeying the instructions of their constituents; and one would naturally suppose that its supporters would refrain from alluding to a topic which must always be suggestive of associations by no means agreeable to minds not lost to a sense of shame.

ASTOUNDING OFFICIAL CORRUPTION—THE PRESIDENT.

Official corruption in its various forms is almost inseparable from human governments, and instances of peculation, of fraud, and of official brokerage, are by no means new in the history of our country; but never until now has a President of the United States been detected in giving his countenance to such transactions. Dishonoring as it is to our national character, we feel it due to the truth of history and to an outraged public morality to call attention to the facts brought to light by the minority report of the committee on naval contracts.

The committee directed their investigations to four distinct items of expenditure, viz:

1. To the purchase of fuel for the navy.
2. The purchase of live-oak timber.
3. The management of the navy yards, and especially that of Brooklyn.
4. Contracts for steam machinery.

We begin by reciting the leading facts under the first head. By the act of September 28th, 1850, it was provided that

"In the article of fuel for the navy, or naval stations and yards, the Secretary of the Navy shall have power to discriminate and purchase, in such manner as he may deem proper, that kind of fuel which is best adapted to the purpose for which it is to be used."

In May, 1858, numerous applications were made to the Secretary of the Navy, for the office of coal agent, which was at that time held by Benjamin Tyson. The mode of purchasing coal, the selection of the agent, if needed, and his compensation, were entirely at the discretion of the Secretary. The report continues:

"The coal business had largely increased, so that the amount annually purchased was, in 1858, about 55,000 tons, being a larger amount than in previous years, and the per centage yielded a larger salary. In May, 1858, some of the applicants met at Washington, and, at a conference with each other and their friends, (among whom was the Hon. J. Glancy Jones,) it was agreed that Dr. Charles H. Hunter, of Reading, Pennsylvania, should be appointed coal agent; *and that the emoluments of the office should be equally divided between himself, John F. Smith, and J. Lawrence Getz, warm personal and political friends of the President, who had contributed largely to his election.* Hunter and Smith were both applicants for the office of coal agent; Getz was a member of the Pennsylvania Legislature, and then and now the editor of the *Reading Gazette*. Each of the parties above named was examined by your committee; and also C. Nicholas Beach, whose connection with the transaction will hereafter appear.

"Mr. Smith testified that he was in Washington in May last, and was present when the arrangement for the appointment of Hunter was made. That some of the applicants and their friends had a conversation to arrange things amicably, if they could. Finally it was agreed that, if the Secretary would appoint either of them, he should appoint Dr. Hunter, Mr. Getz, and Mr. Smith. That the arrangement was communicated to the Hon. J. Glancy Jones, then a member of this House, and that *the President also understood that the emoluments of the office were to go to the three.* As this was deemed important by the committee, the witness was examined and re-examined by different members of the committee, as to the knowledge of the President; he repeated that *the President knew that the three were to divide the emoluments of the office*, and that the parties were satisfied with the decision; but he knew nothing about the arrangement, whether one-half was to go to one party, and the other half to the other two, or not.

"Mr. Getz testifies, that he was at Washington at the time, and was informed of the arrangement for the appointment of Dr. Hunter, and that he (Getz) was to have one-third of the profits. He agreed to it, with a 'mental reservation.' He conversed with the President about the appointment of Dr. Hunter, and the President said to him: 'Mr. Jones urged me to appoint you; but you are no applicant; I have made up my mind to appoint Dr. Hunter.'

"Mr. Beach (C. Nichols) testified, that he is a nephew, by marriage, of the Secretary of the Navy; that he was on intimate relations with him; that he was in Washington when the arrangement of the appointment of Dr. Hunter was made; that he was himself an applicant for the office; that he conversed with Mr. Jones about it; that he knew that the emoluments of the office were to be divided up among thee parties; and that it was a matter of general rumor in Washington, before and at the time of the appointment; that he talked with the Secretary about the appointment of Dr. Hunter and that the Secretary informed him that, as the application was a Pennsylvania one, he would defer to the wish of the President.

"It is to be remarked that, by law, *the President has nothing to do with the purchase of coal.* The only power in the matter is conferred by law upon the Secretary; yet it appears from the testimony, and the Secretary's admission to Beach, *that the power was yielded to the President.*

"In pursuance of the arrangement, Dr. Hunter was appointed coal agent; Smith received the commission from the Navy Department, took it to Dr. Hunter at Reading, and narrated to him the arrangement, to which Hunter agreed. Getz subsequently declined to share in the profits, because, as he says, the arrangement was distasteful to him.

"Dr. Hunter had been for years, was then, and still is, a practicing physician in Reading. He had never purchased coal for sale; he did not know its market value; took no pains to ascertain it; did not purchase any coal for the Government, or do any act in the performance of his duty, except to sign formal papers sent to him by Tyler, Stone, & Co., certifying that a specific quantity of coal, of the best quality, had been duly inspected and weighed by him, and shipped on board a named vessel. These papers were sent to the proper bureau, and *all parties knew, or ought to have known, that the certificates were false*, so far as relates to his personal knowledge of the facts certified.

"By an understanding between Hunter & Smith, the latter was to make inquiries as to selecting coal at Philadelphia; but it is manifest that he did but little in the execution of this trust. He was in the omnibus business, and had no connection with the purchase of coal.

"The coal was required at Philadelphia, and was there delivered on shipboard to the Government. Neither Hunter nor Smith saw the coal inspected, weighed, or delivered, and the whole business was turned over to Tyler, Stone, & Co. Mr. Smith testifies that he took no personal supervision of the matter, except to see that the best coals could be had, and depended upon Tyler, Stone, & Co., to inspect the coal. When the Government needed coal, a requisition was sent to Dr. Hunter, which by him was sent to Tyler, Stone & Co., who *became at once the purchasers for and the sellers to the Government.* Tyler, Stone, & Co., and Dr. Hunter, fixed the price at $3.85 per ton. The testimony of many witnesses establishes beyond a reasonable doubt, that the market value of such coal as was delivered to the Government would not exceed $3.50 per ton, and several respectable dealers would have furnished the Government at that or a less price, and then made a profit. The purchases of coal thus made for the Government, by Tyler, Stone, & Co., for the six months from the 1st July, 1858, to the 31st December, 1858, was —— tons, at a cost of $3.85 per ton. The amount of emoluments received by Dr. Hunter, and divided by him with Mr. Smith, was, for the same six months, $7,452.92, or, at the rate of $14,905.84 per annum. In addition to this direct loss, the mode of purchase adopted furnished no guarantee against fraud in the quantity or amount of coal, which, when delivered on shipboard, was not inspected by any officer of the Government.

"Your committee have furnished to the parties implicated in these transactions every opportunity to explain them. All the parties, except the President, Secretary of the Navy, and the Hon. J. Glancy Jones, have been examined. The President and the Secretary have been furnished with a copy of the testimony, and notified that any statements either of them desire to make would be heard by the committee, or that any witness desired by them would be examined. The Secretary, in his letter of Feb. 14, 1858, herewith submitted, states that the same system existed in the coal agency during the administration of his predecessor. He also states that he was not aware until the present investigation of any want of attention on the part of the coal agent."

Having made this long extract from the report we are constrained to draw our remarks on the subject to a close. But before doing so we will give a brief insight into the corrupt cooperation of the Executive and Legislative members of the Government, in the dirty business of dividing the spoils. The report shows that in the Brooklyn navy yard the control of the patronage of the establishment, down to the employment of workmen, is surrendered by the Secretary to the city members of Congress friendly to the Administration. The following letter from an "honorable" member of the House of Representatives will initiate the uninitiated into the mysteries of Tammany Hall politics. This letter is addressed by a city member to a master carpenter in the Brooklyn navy yard:

"Mr. COHANE: Mr. Cullen tells me that you are to take men on on Tuesday; now I ask you to take *him* on and the others I have asked you to take on. *I will have my proportion of men under you; if you do not give them, I will lodge charges against you.* You have turned away all the men but one from my district already. Of this I have complained to the Secretary, and now, unless you rectify this injustice *I will make application that you be turned out.* The bearer will bring me an answer.

Yours, &c., JOHN COCHRANE."

It is evident that this "honorable" office broker could, if required, tell ugly tales upon the carpenter; but we presume that the latter complied with the terms upon which he was willing to hold his peace. Is the author of such a letter a fit associate for honorable members of Congress? He would have been thirty or forty years ago.

SLAVERY ABOLISHED IN CUBA.

We are indebted to Mr. Benjamin for the information, that Slavery has no longer any legal existence in Cuba. He says:

"The continued supply of labor in Cuba by natural increase is impossible. It is a well-authenticated fact, that its whole laboring population is exhausted in a single generation. Horrible as is the contemplation of such a fact, the evidence in support of it is irresistible. None of the writers on the population of Cuba fix the number of its creole (*id est*, native) negroes outside of Havana at more than ten per cent., whilst a recent authority on the island, perfectly competent to judge, fixes it at only five per cent. We have, then, the fact that ninety to ninety-five per cent. of the slaves engaged in agriculture were imported Africans."

Now, Mr. Benjamin is aware, that about the year 1820, Spain entered into a treaty with England, by which she consented to the abolition of the slave trade, and agreed that all slaves imported thereafter should be free. A large portion of the negroes who are still held in servitude are recognised as coming under the provisions of this treaty, and are styled *emancipados*, if we are correctly informed; but, according to Mr. Benjamin, all the negroes on the island must be free; for he admits that the whole negro population is consumed in one generation, which one of his authorities says is but seven years; but supposing it to be twenty, there could not be a negro living who was a slave in 1820. He also states, that "*none of the writers on the population of Cuba fix the number of its creole (id est, native) negroes outside of Havana at more than ten per cent., while a recent authority on the island, competent to judge, fixes it at only five per cent.*" Mr. Benjamin admits, then, that only five per cent. of the slaves in Cuba, or at most, ten per cent., are native born; and that the remaining ninety or ninety-five per cent. are free under the treaty with England. The five per cent., or, at most, ten per cent. of slaves who were born on the island, must in the nature of things, in great part, be the children of the Africans imported since 1820, and hence they, too, are entitled to Freedom; so that only an infinitesimal fraction of the native negroes can be supposed to have descended from the negro slaves on the island before the treaty. Cuba, in a word, is a free island, by the laws of Spain, Mr. Benjamin being the authority.

The proposition to annex Cuba to the United States is therefore a proposition to re-enslave the free inhabitants of that island. Are the American people ready for this step? We think not; and so far from it, we think that a majority of the American people, should the island be annexed to the Union, will insist on a fulfilment of the conditions of the treaty. No man with a spark of justice or humanity in his bosom can tolerate the idea of this Government becoming the instrument for enslaving the free people of Cuba; and it will become the sworn duty of the Federal judges to be appointed for the island to liberate every negro on it. By all means, the laws and treaties must be faithfully executed. There will be no necessity for consulting the fraudulent registries and other pretended evidences of Freedom and Slavery. It will be all sufficient to take the Pro-Slavery authorities quoted by Mr. Benjamin, and, in the name of justice and humanity, abolish the last remnant of the infamous slave code.

MILLIONS FOR CORRUPTION AND SLAVERY, NOT A CENT FOR EDUCATION.—The President, who proposes to take the purse and the sword into his own hands, free from the control of Congress, and who superintends the business of office brokerage, is suddenly seized with another gripe of economy and constitutional constriction. He has vetoed the bill donating public lands for the endowment of agricultural colleges. He wants the money for which the lands may sell, in order to wage war upon Spain, Mexico, and Central America, as well as to invest in his grand thirty million corruption fund; and, with such statesmanlike ends in view, he has no patience with measures of a purely elevating and national character. If the Morrill bill could in any way be shown to be sectional and Pro-Slavery in its character, all its objectionable features would at once vanish.

THE ISSUES.

Senator Wade, of Ohio, in the exciting debate of Friday night, of which we insert a brief sketch, very tersely stated the watchwords of the two great parties of the country. They are, "land for the landless, and niggers for the niggerless." Mr. Toombs, as the representative of the haughty Slavery oligarchy, expressed great contempt for the "lack-landers," while he is willing to expend hundreds of millions in the acquisition of more slaves and slave territory. Let the issues be accepted, and let the watchwords pass round.

THE REVIEW.

La Plata, the Argentine Confederation, and Paraguay, being a Narrative of the Explorations of the Tributaries of the River La Plata and adjacent Countries, during the years 1853, '54, '55, and '56, under the orders of the United States Government. By Thomas J. Page, U. S. N., Commander of the Expedition. With Map and numerous engravings. New York: Harper & Brothers. 1859. For sale by Taylor & Maury, Washington D. C.

Voyages and tours of exploration, when properly conducted, furnish us with our most reliable and accurate means of information respecting countries remote from our own. There is good reason for this. Those who are engaged in them are provided with all the means necessary for the accomplishment of their objects, the requsite instruments of measurement and observation, and for recording the results, which the mere casual traveller cannot usually possess. It is but seldom, also, that a Humboldt, combining science and tact of eliciting knowledge as well as enthusiasm and perseverance, is found among those whose private explorations are given to the world. There is, too, a degree of responsibility attached to a Government expedition, which the individual traveller cannot so fully have; so that for the greater characteristics of solid information respecting the geographical features and forms of natural development of a country comparatively little known, such volumes as the one before us must be the source whence we may hope to draw our materials of acquaintance with the general state of its surface, elements of prosperity, and means of advancement. For more private details, and the particulars of social life and manners, interesting anecdotes, and occurrences of the passing day, we of course look to the sketchy tourist or adventurer. La Plata, Paraguay, &c., is such a country; portions of it have been described by Dobrizhoffer, Faulkner, Head, and others; but still it is for the most part a region of which we have scanty knowledge. We welcome this book, therefore, and the more so, as our relations to these countries are widening by commerce, and will become yet more important, doubtless, as the facilities become greater for such intercourse. Our naval expedition, too, is just at this time at the mouth of the La Plata, and we may possibly be involved in a war at a distance, with one of the nations described. Hence, all materials of information are desirable. Captain Page's work furnishes a variety of such useful information. The map, on a large scale, enables us also to understand the widely-outspread region intersected by the great river La Plata and its tributaries. The narration of the explorations is given clearly; much light is thrown on the character of the native population, the civil history and relations of the different States, the course of the streams; their magnitude and means of navigation, with the other geographical features of the countries—the products of the soil and staples of trade; while the illustrations convey a more complete idea of the curiosities, public buildings, persons of note, costumes, and manners, than we could otherwise have. The readers of Harpers' Monthly, from the instalment there furnished of the volume before it was published, will be prepared to appreciate its value, and, no doubt, will be among the most eager to possess it.

Travels and Discoveries in North and Central Africa, being a Journal of an Expedition undertaken under the auspices of Her Britannic Majesty's Government, in the years 1849—1855. By Henry Barth, Ph. D D. C. L, Fellow of the Royal Geographical and Asiatic Societies, &c., &c. In Three Volumes. Vol. III. New York: Harper & Brothers. 1859. For sale by Taylor & Maury. Washington, D. C.

If to secure the universal approbation of those in Europe and Great Britain, as well as in our own country, who are best qualified to judge, be any evidence of the capacity by which a traveller is fitted for his task, and the ability with which he has executed it and arranged its results, it is not exaggerated praise to say that no contribution to geographical science has been made to the public for many years, so thorough and valuable as that contained in Dr. Barth's three volumes here before us, containing, we believe, the whole work, which is embraced, if we mistake not, in five volumes of the German edition. We have had no opportunity to compare the originals in the German or English editions; but for the price, certainly, the American is not behind them. This has been effected, as we have an impression, by the omission of some expensive colored engravings. We have not seen the earlier volumes, and are therefore uncertain as to the number and variety of the maps; but this volume contains numerous well-executed wood-cuts, relating to the people, their buildings, as well as the natural scenery that came under the traveller's notice. Dr. Barth was singularly fitted for his enterprise, and associated with him, too, was the lamented Overweg, each with his individual peculiarities of observation. They visited a region respecting which previously but indistinct knowledge had been furnished. Resident for a long time in the principal places, having every means for examination, and prosecuting his inquiries with the utmost diligence, the amount of materials collected, and the scientific exhibition made of them, is of the highest importance. Compared with Dr. Livingstone's Travels in Southern Africa, Dr. Barth's researches are less home-bred, hearty, and racy. They partake of that thoroughly national scientific character which belongs to his countrymen. The former fully-accredited sources of information, perhaps will more command the popular applause of the general of readers; while the latter will be a standard authority treasured, up among the archives of discovery, with those of the most celebrated investigators of former or present days. For the first time, as we may say, the vast almost unknown region is laid open, questions of scientific interest settled, and a new form given to the geography and annals of Northern and Central Africa. The volume before us is the closing one. It opens with Dr. Barth's departure for Timbuktu after the death of Dr. Overweg, and unfolds to us the state of the country in different districts and cities visited by him, up to his return to Europe. It is accompanied by a most valuable appendix, embracing sixteen topics, in which are condensed a great amount of varied information as to the tribes and families, the literature, history, &c., of different nations mentioned. We cannot even glance at the full table of contents of the book. Our readers must examine, and that with no hasty steps, the ground he has gone over, to appreciate its true character. It has also a full index in his pen, requisite in such a book.

Lives of the Queens of Scotland and the English Princesses connected with the regal succession of Great Britain. By Agnes Strickland, author of "Lives of the Queens of England." Vol. VIII. New York: Harper & Brothers. 1859. For sale by Taylor & Maury, Washington, D. C.

This volume forms the second one of Miss Strickland's life of Mary of Queen of Scots, whose defence is undertaken with an enthusiasm that perhaps must modify our estimate of her judgment in the case. She sets out with a strong bias, and so while undoubtedly successful in disproving much, yet we feel as we read there is wanting the sober, cool weighing of causes, effects, probabilities, and circumstances, which belongs to the impartial historian. By her research, she has thrown much light on events and transactions before obscure. A mass of materials has been gathered from State papers and private records, before or till quite recently unknown, and thus some things most unfavorable to the character of Scotland's Queen Mary have been explained. But the danger in such cases ever is, that in the refutation of what is unjust, assumptions are made as from the other extreme; and so that true estimate, which, occupying the middle ground, regards the character as a whole, influenced by various motives, is lost sight of. Mary had her weaknesses, her foibles, her graver faults; and whether or not the darker suspicions which gathered over her be dissipated, yet her life and her character must have received an impress from the times in which she and the persons among whom she moved lived, that must be allowed in the judgment we form of her, and her public and private relations in the history of that age. Miss Strickland's work is one of the many books to which recourse may and ought to be had in forming that judgment; but, though written in a most pleasing style, full of incident and information, it is a generous woman's appeal in behalf of one of her own sex, unwilling to see or admit aught unfavorable in the subject of her vindication, and so we think it needs to be read as one reads the defence of an advocate for an arraigned criminal, whom he is bound at all events to clear of every accusation, and to make appear the wholly wronged and deeply injured. No one, however, can peruse her volumes without feeling her power of earnest effort, or lay down the book and not be glad he has seen it.

The Old Plantation, and What I Gathered there in an Autumn. By James Hungerford, of Maryland. New York: Harper & Brothers. 1859. For sale by Taylor & Maury, Washington, D. C.

A sketchy volume describing plantation life, with its peculiarities, personages, legendary lore, love-scenes, excursions, ghost-stories, haunted houses, duels, happy meeting, "disposal of characters," and "glance into aftertimes." Is it true or fiction? Is the name a real one, or assumed? The dedication to an "aged mother" would seem to imply the former, and there is nothing in the story or successive scenes to invalidate it. Still, we do not know. Without any high pretensions, it is a very fair picture of life, as we may suppose it, coming out from the recollection of past years. It is discursive; the persons mentioned are numerous, and there is no strained attempt to portray something extraordinary, but an easy running on of the pen, as though taking down conversations, many of them, of course, of lower life, and the pleasures of the unbent intercourse of friends in the country, enjoying autumn days and evenings. Such a book's lets us into phases of society that must be seen where they occur to be fully understood, but we doubt not that the novelty itself will be amusing, and may be instructive to many of the readers of this volume, as we here find it.

The Edinburgh Review for January, 1859. Leonard Scott & Co.'s Reprint.

We always find something in the *Edinburgh Review* to repay for its perusal. If all the articles are not always equally attractive, yet some one or more may be found adapted to the reader in general literature full of information, as well as written in excellent taste. It is so with the present number. We have been able but to glance over several of the papers since we received it; but even so cursory an examination has satisfied us that the topics are of interest, and ably discussed. The titles of the articles are,

I. "Help's Spanish Conquest in America;" giving a good summary of the work, which is highly commended.

II. "Life Assurance;" full of statistics, and exhibition of the principles of calculation, &c.

III. "The Church Rate Question;" a subject more strictly belonging to England than our country.

IV. "The Roman Catacombs;" a most readable paper, and with not a little curious matter.

V. "The Hudson Bay Territory;" respecting a region comparatively unknown yet, on our borders, and giving a history of the Company and its operations.

VI. "Lord Liverpool's Administration until 1822;" historical and political.

VII. "The Library of the British Museum;" a treat for bibliopoles, so far as it goes.

VIII. "Life and Organization;" devoted partially to a discussion of the theories on this subject.

IX. "History and Prospects of Parliamentary Reform;" indicated by its title and the well-known proclivities of the Review.

Eclectic Magazine for March, 1859.

Well done, Mr. Bidwell! Two Empresses, Maria Theresa of Austria, and Eugenie of France, to begin with—both excellent mezzotints of Sartain.

And what have we here of literary attractions? Twenty-seven articles. Of course, we cannot enumerate all; so we will mention a few of what seem to us the best: "Horace and his Translations;" "The City of Halicarnassus," continued; "The Physical Description of the Universe;" "The Music of Anastasia;" "The History of the Romans under the Empire;" (Merivale's;) "False Morality of Lady Novelists;" "Review of Dr. Trench's Discourses."

If, then, we can have Cuba only on the terms of taking her as a free State, with a free-negro population of at least 700,000, we repeat it, we believe, in all sincerity, that $120,000,000 may be much more profitably invested than in the purchase of the island.—*Richmond (Va.) Enquirer.*

The Richmond *Enquirer* says that "Mr. Buchanan was pioneered into the Presidency through the previous success of Governor Wise."

WASHINGTON ITEMS.

From the National Intelligencer of February 28.

DEPLORABLE OCCURRENCE.

Our community was yesterday afternoon thrown into a state of painful excitement and regret by the reports of an encounter and resulting homicide, which took place about two o'clock, in the First Ward, at the corner of Pennsylvania avenue and the east side of Lafayette Square. The parties were Philip Barton Key, Esq., United States District Attorney for the District of Columbia, and the Hon. Daniel E. Sickles, a Representative in Congress, from the city of New York. The meeting ended in the killing of Mr. Key by Mr. Sickles, the former having lived but a very short time after receiving three shots from a revolver.

The provocative to this dreadful affair is disclosed in the testimony of Mr. Butterworth, of New York, before Justice Goddard, the Chief of Police. He states that about the time above mentioned he met Mr. Sickles on Pennsylvania avenue, a little eastward of the corner of Lafayette Square, and nearly opposite the State Department. He had a few words of conversation with Mr. Sickles, who left him as Mr. Key approached, the latter coming down the avenue towards the State Department. They met at the corner of Lafayette Square, when Mr. Key extended his hand towards Mr. Sickles, saying, "How are you?" Mr. Sickles refused to take his proffered hand, saying, "You have dishonored my home and my family," and applying to him some epithet. Mr. Key immediately put his hand in his side pocket, for the purpose, as the witness supposed, of drawing a weapon, and Mr. Sickles at the same time put his hand into his skirt pocket, from which he drew a pistol. As Mr. Key raised his hand to throw at Mr. Sickles the article he took out of his pocket, (which proved to be an opera glass,) Mr. Sickles fired his pistol and shot Mr. Key. The latter staggered a little back, but rallied, and made at Mr. Sickles, who, stepping a few feet backward, fired a second shot into the body of Mr. Key, who then reeled back towards Mr. Maynard's house, with one hand on the railing and one knee on the pavement, exclaiming, "you have shot me," and then crying "murder." Mr. Sickles then fired a third shot into the body of Mr. Key, and left him, after which Mr. Key was conveyed to the "Club-House," close at hand, where he expired in a few minutes.

We learn, in addition to the above, that immediately after firing the third time, Mr. Sickles proceeded to the residence of Judge Black, which is in that neighborhood, and to which place he was followed by several police officers, whom he afterwards requested to accompany him to his own residence, that he might make some nec

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cers having complied with his wishes,
or and Chief of Police were soon in at-
e, and after a brief examination, Jus-
ddard having declined to take bail in so
a case, Mr. Sickles was committed to
or a further examination.

d 22d" was celebrated in Washington
ilitary parade. The Shields Guards
n from Baltimore, and were received
Shields. The day was also appropri-
elebrated at Georgetown college. Wa
ccounts, also, of handsome celebrations
on, New York, Baltimore, Richmond,

WASHINGTON—CAPTURE OF A SLAVER.—
ry Department on Friday received a dis-
om Lieut. Braine, commanding the ship
nes, dated Norfolk, in which he stated
has captured the slaver Julia Dean on
st of Africa, and brought her into that
Augustus Freyeran, represented as a
rer on board the Dean, died on the pas-
the United States, previously requesting
effects be sent to his wife at Havana.
upposed to have been the captain of the
on board of which is supposed to be a
eal of treasure.
Navy Department this morning sent or-
Lieut. Braine to turn over the hands on
of the vessel to the Marshal for trial. It
osed that the Dean is owned in Charles

Vincennes has been ordered to be ex-
, as it is supposed she was injured by
struck a reef.

GULF.—The rumor that all the available
force, including the Vincennes, has been
d to the Gulf, seems to be strengthened
remark made in the House on Friday
chairman of Committee of Ways and
, that this American sea, as he termed
ngs to us, and that we will and must exe
control over it. The next arrival from
o will, it is anticipated, bring highly im
t intelligence in connection with the
and English fleets, and requiring a larger
can naval force than heretofore in that
r.

POLITICAL INTELLIGENCE.

Clark, of the first Congressional district
nnecticut, and a member of the present
, regards himself as cheated out of a
nation, and will run for the next Congress
people's candidate. Mr. Clark has been
ed by many of his constituents to take
tand, and has given his reasons at great

Clark has never exhibited any general
athy for the Republican party, and his
olican constituents acted naturally in set
im aside for a more reliable man.

w Hampshire holds her annual election
nesday, March 8. The rival candidates
ongress, with the vote of their respective
cts two years ago, are as follows:

Republican.	
district, Gilman Marston	12,242
d district, Mason W. Tappan	10,683
district, Thomas M. Edwards	10,983
Democratic.	
district, Daniel Maley	11,206
d district, John H. George	9,180
district, William Burns	9,841

e nominations for Congress in Connecticut
omplete; the rival candidates, with the
of their respective districts last year, are
lows:

Republican.	
district, Dwight Loomis	9,313
d district, John Woodruff	9,399
district, Alfred A. Burnham	7,645
district, Orris S. Ferry	9,250
Democratic.	
district, James T. Pratt	9,036
d district, Samuel Arnold*	9,450
district, Rufus L. Baker	5,721
district, William D. Bishop*	9,342

embers of the present House.

n Goode, jun., Esq., Buchanan elector
e sixth Congressional district of Virginia
56, in a recent publication in the Bedford
inia) *Democrat*, speaking of the Hon.
s Powell, says: "I had hoped that he
take occasion, as one of the representa-
of the Virginia Democracy, to discuss,
ut fear, favor, or affection, the extraordi-
recommendations contained in President
anan's last annual message to Congress,
o expose the abominable Federal heresies
have lately marked the policy of this
ocratic Administration."

ief Justice Taney, with all his mistakes
nidededs, occasionally utters a very sound
cal "opinion." The Thirty Million Cuba
t is said, he pronounces to be "atrocious."
kfort Commonwealth.

SCENE IN THE ILLINOIS LEGISLATURE—
ouis, Feb. 24.—At Springfield, yesterday,
e Governor's private secretary entered the
o read the apportionment bill veto, a scene
ed. The Democrats attempted to drown
oice with cries of order, but he concluded,
ave the veto to a page. It was snatched
the boy, and passed through various hands.
publican member secured it, and laid the
on Speaker Morrison's table. The latter
ked it off with his gavel, and ordered the
keeper to take that man out, (meaning the
te secretary.) He decided, that no quorum
r present, the House could not receive
ages. Only four Republicans were pres-
Both Houses adjourned *sine die*.

CHICAGO MUNICIPAL POLITICS.—*Chicago*,
24.—The Republican Convention to-day
nated John C. Haines, the present Mayor,
e-election.
arcus D. Gilman is the Democratic candi-

he *Southern Citizen* says: "Such is the har-
y of the Democretic party! On every ques-
save one, they are two well-defined and
hostile parties. That *one* question is pub-

to plunder. It is a great principle which has maintained the harmony of the party long enough; but it bursts at last. The Democratic party, from this day, goes straight to dissolution, and the 'Union' after it."

THIRTY-FIFTH CONGRESS, Second Session.

Thursday, February 24, 1859.

SENATE.

The post route bill being taken up in Committee of the Whole, Mr. Yulee offered his amendment, abolishing the franking privilege, and providing for furnishing members of Congress with stamps in lieu thereof to the amount of $150. The right of franking documents is reserved to the Postmaster General, his First Assistant and Chief Clerk, and to the Auditor of the Post Office Department and his Chief Clerk, and to certain ex-Presidents of the United States; and other special cases are provided for by enactment. The amendment increases the rates of postage from three to five cents for distances under 3,000 miles, and to ten cents for over that distance. For double and treble letters the amount is proportionally increased. The rates for drop and advertised letters are the same. For newspapers, the amount for transient papers in the United States is one cent. Papers are entitled to free delivery in the county where published, to actual subscribers.

The section provides that printed envelopes and wrappers for Government documents be furnished by the Washington City post office, and the said postage to be charged to the particular Department forwarding the same.

The third section provides that all matter received at the Department and by members of Congress, unpaid, shall be charged to the said Department receiving the same, or the appropriate branch of Congress.

The fourth section provides that all mail matter shall be weighed in bulk, and charged at the rate of five cents per ounce for letters, and 12 cents per pound for printed matter, and that none of the above provisions shall apply to the transportation or charge for mail matter for the Government, except such as shall be received or sent from the post office in Washington, D. C.

Mr. Yulee then proceeded at length to explain the provisions of the bill and amendments, as reported. He did not promise to make the Department a self-sustaining one, but pointed out where the expenditures might be greatly reduced. He thought that some of the Pacific mail service ought to be paid for out of the Treasury specially. The committee propose to make, in this bill, a compromise between the acts of 1845 and 1851, regarding the license of the rates of postage. Since the passage of the act of 1851, there had not been an increase in the revenues of the Department commensurate with the increasing population of the country.

Messrs. Dixon, Mason, Hale, Iverson, and others, then addressed the Senate.

Mr. Iverson, in the course of his remarks, read a curious document, showing how many of his speeches each Senator had folded and mailed from the Senate's folding-room at the expense of the public. They were folded, mailed and franked, but not printed, at the public charge.

The reporter could not obtain access to the document; hence, there may be a few inaccuracies in the figures, but the following statement is in the main correct:

Mr. Allen sent 300; Mr. Bates, none; Mr. Bell, 7,000; Mr. Benjamin, 11,000; Mr. Bigler, 5,000; Mr. Bright, 15,000; Mr. Broderick, 8,000; Mr. Brown, 18,000; Mr. Cameron, 10,000; Mr. Chandler, 214,000; Mr. Chesnut, none; Mr. Clark, 51,500; Mr. Clay, 11,500; Mr. Clingman, 21,500; Mr. Collamer, 3,000; Mr. Crittenden, 10,000; Mr. Davis, 6,000; Mr. Doolittle, 4,000; Mr. Douglas, 345,000; Mr. Durkee, 6,500; Mr. Fessenden, 14,500; Mr. Fitch, 11,000; Mr. Fitzpatrick, 1,500; Mr. Foot, 2,000; Mr. Foster, 7,000; Mr. Green, 12,000; Mr. Gwin, 19,500; Mr. Hale, 14,000; Mr. Hamlin, 10,000; Mr. Harlan, 10,000; Mr. Houston, 5,000; Mr. Hunter, 2,000; Mr. Iverson, 3,000; Mr. Johnson, of Arkansas, 8,000; Mr. Johnson, of Tennessee, 11,000; Mr. Jones, 4,000; Mr. Kennedy, 5,000; Mr. King, 19,000; Mr. Mallory, 6,000; Mr. Mason, 2,000; Mr. Pearce, 6,000; Mr. Polk, 15,000; Mr. Pugh, 4,000; Mr. Reid, 1,000; Mr. Rice, 4,000; Mr. Sebastian, 2,000; Mr. Seward, 81,000; Mr. Shields, none; Mr. Simmons, 2,500; Mr. Slidell, 8,000; Mr. Stuart, 49,000; Mr. Sumner, 4,000; Mr. Thompson, of Kentucky, none; Mr. Thomson, of New Jersey, 1,000; Mr. Toombs, 2,000; Mr. Trumbull, 40,000; Mr. Wade, 2,000; Mr. Ward, none; Mr. Wright, 7,000; Mr. Yulee, 2,000.

Messrs. Mason, Toombs, Cameron, Hale, Reid, Fessenden, Smith, and others, spoke in favor of the total abolition of the franking privilege.

Messrs. Davis, Iverson, and others, favored this in a modified shape.

Mr. Houston would retain the franking privilege, but raise the rates of postage.

Mr. Hale moved an amendment, providing that from the 1st of July, franking, as a personal privilege, shall be abolished, and that persons now entitled to frank shall receive their mail matter free. Lost by yeas 19, nays 27.

Mr. Davis moved an amendment, that franking, excepting to specially privileged persons, shall be abolished, and that the laws which require prepayment shall be repealed. Lost by yeas 18, nays 26.

Mr. Trumbull moved to strike out the clause which retains the franking privilege to Ex-Presidents. Lost.

Mr. Hale moved to strike out the franking privilege from the Post Office. Carried by yeas 18, nays 16.

Mr. Collamer moved to insert a clause to repeal so much of the acts of March, 1847, and March, 1851, as make appropriation to defray the expenses of the franking privilege. Agreed to.

Mr. Fitzpatrick moved to strike out the clause which restricts the Postmaster General to contracting for the conveyance of mails, not passengers. Lost by yeas 15, nays 26.

Mr. Pearce moved an amendment, that no new routes be established, unless they will pay expenses. Lost by yeas 3, nays 35.

Mr. Gwin moved to strike out the clause that limits the pay of postmasters to box rents. Lost by yeas 15, nays 22.

Mr. Wilson moved an amendment, that letter postage be three cents for distances under and ten cents for distances over twenty-five hundred miles. Lost by yeas 16, nays 24.

Mr. King moved an amendment, that letter postage for all distances within the United States be the uniform rate of three cents. Lost by yeas 18, nays 24.

The Committee's amendments were then carried.

The bill was then reported to the Senate and read a third time; but the yeas and nays being called upon its passage, no quorum was found to be present.

Yeas—Messrs. Benjamin, Broderick, Brown, Clay, Fitch, Hunter, Iverson, Johnson of Tennessee, Johnson of Arkansas, Mason, Reid, Sebastian, Shields, Slidell, Toombs, Ward, and Yulee—17.

Nays—Messrs. Chandler, Clark, Doolittle, Douglas, Foot, Foster, Gwin, Hale, Harlan, King, Lane, Seward, Smith, Trumbull, and Wilson—15.

After considerable delay in trying to come to an agreement to adjourn, Mr. Brown moved a call of the Senate, and the Sergeant-at-arms was sent to summon the absentees. Arrangement, however, was made, that a vote be taken upon the bill to-morrow, without debate.

The Senate then, at 11 o'clock, adjourned.

HOUSE.

The Post Office appropriation bill was taken up.

The question was taken upon concurring in the amendment reported from the Committee of the Whole on the state of the Union, providing that the contract with Butterfield & Co., for carrying the overland mail, shall be so construed as to allow them to carry it by any route they may select, according to the act of Congress under which said contract purports to be made; and it was negatived—99 against 102.

The proviso that the advertisements of the mail route proposals shall be published in two newspapers only, in each State and Territory, having the largest circulation, was rejected—91 against 104.

The amendment to the appropriation ($80,000) for printing the blanks, that they shall be given to the lowest responsible bidder, was adopted—yeas 114, nays not counted.

The wrapping paper is to be furnished in the same way.

Among other amendments adopted, was one providing that all sums heretofore appropriated to the erection of Post Office buildings, which shall remain in the Treasury unexpended at the close of the present fiscal year, are hereby re-appropriated for those objects.

The bill was rejected by 86 against 119.

Mr. Bocock, from the select committee to examine into the alleged naval contracts and frauds, presented a report from the majority of the committee.

The resolutions appended thereto say:

1. That the testimony proves the existence of glaring abuses in the Brooklyn navy yard, requiring the interposition of legislative reform. They have been growing up for a long series of years.

2. The coal agency is in the hands of incompetent persons, and reform is needed in the regulations on the subject, but there is no evidence to show that this incompetency and inefficiency came to the knowledge of the authorities at Washington.

3. In all the Secretary of the Navy did, in regard to contracts for live oak, he kept in view the good of the public and the interest of the service.

4. In letting the contracts for the machinery of the seven sloops of war, the Secretary has displayed laudable zeal to secure the greatest amount of speed and efficiency.

Messers. Sherman of Ohio, and Ritchie of Pennsylvania, join in a report and resolutions. [These are given in full in another part of this paper.] Mr. Sherman also reported a bill to regulate the navy yards and docks, and for other purposes.

The consideration of the report was postponed till Monday, and the naval appropriation bill taken up in Committee of the Whole on the state of the Union.

Mr. Millson, of Virginia, argued against protection. He said there was no necessity for an alteration of the tariff, and defended the appropriations for the navy.

Mr. Howard, of Michigan, contended that it is impossible to raise $56,000,000 from the present tariff. He favored a discriminating tariff for protection.

Mr. Curry, of Alabama, insisted that we must equalize our revenue and expenditure. There were retrenchment and economy on one side, and enormous taxes on the other; and no American statesmen should hesitate to select the former.

Mr. Nichols, of Ohio, avowed himself in favor of free trade and direct taxation. Our present evils arise not from the tariff bills, but from legislation here stimulating speculation.

Mr. Kunkle argued in favor of specific duties, and that a protective tariff was the best revenue tariff.

Mr. Vallandigham contended that all interests should be regarded in making a tariff. He was not a friend of the tariff of 1857, which he regarded as a manufacturers' tariff, and highly protective at that—sacrificing the interests of the producer.

Mr. Thayer pointed out the confusion that existed in the Democratic party, and contended that the Republican party was highly national.

Mr. Bliss, of Ohio, advocated a tariff revision and specific duties for revenue purposes only.

Mr. Reagan, of Texas, advocated a bill to reimburse Texas for money expended by her for the suppression of Indian hostilities.

Mr. Boyce, of South Carolina, spoke against a modification of the tariff, but for a reduction of expenditures, and for making the Post Office Department self-sustaining, to bring the expenditures within the receipts.

Mr. Granger, of New York, spoke for the protection of the manufacturing interest, and thereby benefiting all classes.

Several other speeches were made.

The House then adjourned.

Friday, February 25, 1859.

SENATE.

The post-route bill was put to a vote, and passed—yeas 30, nays 25.

An ineffectual attempt was made by Mr. Doolittle to obtain a vote on the homestead bill.

The Cuban bill was taken up.

Mr. Wilson offered the following amendment:

Whereas reciprocal commercial intercourse among nations promotes mutual prosperity, and is the surest guarantee of permanent peace: and

Whereas it is not the policy of the United States to despoil any nation of her possessions, however rich or valuable, but to cultivate with all nations the most friendly and unrestricted commercial relations; and

Whereas the unfriendly policy adopted by Spain against the trade and commerce of the United States with the island of Cuba, forcing the adoption of a similar policy by the United States towards herself, impairs the benefits which would otherwise result to both nations from the trade and commerce between the United States and Cuba; and

Whereas a treaty negotiation for the removal of all illiberal and unjust restrictions upon trade and commercial intercourse between this country and the island of Cuba, and every nation upon this continent, is most desirable: therefore,

Be it enacted, That the President be authorized and requested to open negotiations with Spain, and the nations south of us on this continent, for the removal of all unjust and illiberal restrictions on trade and commerce between them, and their dependencies and the United States; and, to defray the necessary expenses of such negotiation, the sum of $50,000 is hereby appropriated.

Mr. Mallory proceeded with his remarks, commenced some days since. He cited the policy of Jefferson, who said if we were justified in going to war for the acquisition of any territory, it would be for Cuba. He reviewed the commercial advantages to be derived from the acquisition, and contended that if Cuba were annexed, the slave trade would be completely destroyed. That trade was fostered by the Captain General, as Mr. Mallory showed by a minute and interesting statement, how it was carried on, from the purchase of the slave ship to the landing of the slaves, under permits, at three ounces per head. The Creole population are, he said, opposed to the trade. Mr. Mallory guarded himself from connecting the distracted subject of Slavery with the acquisition of Cuba.

Mr. Dixon, of Connecticut, spoke for two hours, replying to the points of Mr. Benjamin's recent speech. Mr. Benjamin had urged, he said, that unless we acquire Cuba, Spain will emancipate the negroes. Mr. Dixon reasoned, that if negro freedom in Cuba would be injurious to the United States, in Jamaica it must be equally so; yet it is not used as an argument to buy Jamaica from Great Britain. Mr. Benjamin had reasoned that compulsory labor was necessary to develop tropical production; but Mr. Dixon thought that the sugar for the world be grown by free labor; and if it could not, sugar was not a sufficient equivalent for the perpetuation of Slavery. In the course of his remarks, Mr. Dixon had occasion to say that Slavery degrades free labor.

Mr. Reid controverted this opinion, and said the doctrine was new in the South. He maintained that the white man was not degraded by labor, although he worked at the bench, or in a field, side by side with his slave.

Mr. Dixon refused to admit the correctness of this assertion as an exposition of the general Southern feeling.

Mr. Bell traced the rise and progress of the filibuster spirit, until it culminated in the Ostend manifesto, and became reflected in this Cuban bill. Both were in a form offensive to Spain. No nation would be apt to receive kindly an offer made to purchase its territory, when accompanied by a studied reminder of its fallen fortunes. His (Mr. Bell's) opinion was, that the Ostend manifesto and the present proposal were framed on the perfect knowledge that Cuba could not be acquired, and that they were addressed to what is supposed to be the dominant traits in our national character. The committee's report is skillfully drawn up. It promises to extend the trade and commerce of the North, the peculiar industry of the South, and the agriculture of the West. It is framed to habituate the country to the cry of "war," but we are making no preparation for war. On the contrary, we are trying to get along without a revenue. For himself, he would favor our acquiring control of the island, either as a protectorate or independent Power; but he likewise held that the time has not yet come when its possession was necessary either to our development or security. We are not now in position to accept Cuba, if Spain should offer it as a gift. We cannot accept it until we have built up a navy of sufficient strength to maintain it. The first blow that would be struck in a war with a navy Power would be to wrest it from us, and hold its harbors as a means of annoyance against us. The committee's promise that the acquisition of the island will give us the monopoly of sugar is equally fallacious. The increasing production of that article would soon create its production throughout the whole temperate zone. Neither is it true, as the committee says, that when a nation ceases growth, its decadence commences. History does not teach this doctrine of expansion, nor is there any parallelism between the growth of a nation and an individual man. Are our internal affairs so perfectly organized as to leave no range to our ambition? Has even the question of currency been placed on a satisfactory basis? Is our great internal domain reduced to such narrow limits as to afford no scope to our energies? Our territory is now greater than the whole area of the Roman Empire. All this we are bound to protect and defend; and to defend the accessible points of our extended frontier would require 100,000 men, with at least 250 war steamers. The chairman of the Naval Committee says our whole guns are 1,100. The French navy alone has 15,000 cannon afloat, with 500 ships, of which half are war steamers. We are not now prepared for such a war; and yet the President announced, on a recent occasion, that our policy henceforth is expansion.

Mr. Kennedy, of Maryland, addressed the Senate, arguing that the acquisition of Cuba is subversive of the best interests of the South. Referring to the aspect of our domestic affairs, he considered that innovations had been engrafted on the policy of this Government, which inevitably betoken its dissolution. The doctrine of State Rights did well, while we were a homogeneous people, bound together by common troubles; but that day has passed. The unbounded prosperity of this country, its fertile lands and increasing wealth, has attracted to it people from every clime. There is no common interest to bind us together. The Constitution and the Supreme Court are derided, and the Constitution threatens to be but a rope of sand, unable to bind, from having no power to punish infractions of that Constitution. He had been derided as an old Federalist, and the men who so denounced him had now on the table two bills more dangerous in consolidating power in the hands of one man than any that ever emanated from the old Federal party. They had also a bill to give away the public lands to the sweepings of European lazar houses to squat thereon, and under an easy franchise to control that Government before they know a word of our language or have one idea towards a comprehension of our institutions. Yet, while offering this extraordinary bonus to the discontented spirits of the Old World, they refuse to vote for and denounce the old soldiers' bill. How comes it, he asked, that there is such a diversity of opinion in the Democratic party, marching under one banner, and professing common principles?

He proceeded to ask how it is possible for us to hold Cuba, with but fifty-seven ships in our navy to protect the fifty Cuban harbors? Our Paraguay armada consists of canal-boats and side-wheel steamers. Have Senators reflected on the baneful effect the acquisition of Cuba would have on slave property? He remembered the opening of Alabama. Virginia has scarcely yet recovered from the effect of that exodus of her labor to localities where it would be more remunerative. With the slave-trade stopped, Cuba would be a perpetual drain, and would put planters into a more unequal contest by withdrawing the labor from their cotton fields into sugar production. It is estimated that five hundred thousand slaves will be abstracted from the Southern States, and a thousand millions of capital, within five years. And if we drift into a war with England and France, we will have to maintain a contest with fifteen hundred ships on our extended coast line. These are considerations for the American people, as they will change the whole course of our policy, and inaugurate a new era of standing armies and enormous fleets. The time is also inopportune for the acquisition of that island. In conclusion, he did not admit the right to bring in a foreign nation with a foreign tongue and foreign teachings, and ignorant and incapable to understand our institutions. In his opinion, we were fast losing all those landmarks which characterized our early nationality, and were fast becoming a mere Confederation of heterogeneous States. For these and other considerations, he was opposed to the acquisition of Cuba.

Mr. Wade here moved to adjourn. Lost, by 17 to 28.

Eight o'clock P. M.—The Senate is rapidly filling up. The galleries are full.

Mr. Doolittle, of Wisconsin, moved to postpone the Cuba and take up the homestead bill, and proceeded to speak on the latter.

Mr. Slidell called him to order.

Mr. Doolittle insisted on his motion.

Mr. Johnson, of Tennessee, although he had for fifteen years advocated the homestead bill, asked Mr. Doolittle to withdraw his motion.

Mr. Douglas, as a friend of the homestead bill, made the same request.

Mr. Clark, of Connecticut, as a friend of the homestead bill, moved the Senate adjourn. Lost, by 17 to 30.

Mr. Trumbull asked Mr. Hunter to pledge himself not to bring forward the appropriation bills, to prevent a vote on the homestead bill.

Mr. Hunter would give no such promise.

Mr. Trumbull appealed to Mr. Johnson to stand by and press the homestead bill.

Mr. Bigler asked Mr. Trumbull, for himself and the Republicans, to name the hour at which they would vote on both measures.

Mr. Trumbull, for himself, was ready now, but could not make any pledge for his friends.

Mr. Seward said, that after nine hours' discussion on the Cuba bill, it was time to come back to the great question of the age. Two propositions now stand face to face; one is the question of land for the landless, and the other is a question of land for slaves.

Mr. Slidell here rose.

The Vice President. Will the Senator from New York yield the floor to the Senator from Louisiana?

Mr. Seward. No, sir; I do not.

Mr. Slidell called Mr. Seward to order. He was discussing the comparative merits of the two bills.

The Vice President decided that Mr. Seward was in order.

Mr. Seward went on with a few words, when Mr. Fitch appealed to the Chair to put the question of order to the Senate, with a view of stopping what he threatened to be an interminable discussion.

The Vice President declined to do so.

Mr. Seward went on, saying: "It is in the Thirty-fifth Congress that the homestead bill has been put aside." He then contrasted the merits of the two bills.

Mr. Toombs said, as to "land for the landless," it carried with it some demagogical power. He despised a demagogue, but despised still more those who are driven by demagogues. What are the other side afraid of? If they do not want to give $30,000,000 to carry out a great national policy, let them say so, and not attempt to get rid of the issue by saying, "We want to give land to the landless."

Mr. Wade said the question was, land to the landless, or niggers to the niggerless. He would antagonize these issues, and carry the appeal to the country. The whole object of the Democratic party was to go round the world hunting for niggers. They could no more sustain their party without niggers, than they could a steam engine without fuel,

Mr. Fessenden took Mr. Toombs to task, and asked if the language he had used was not an imitation of the great man at the other end of the avenue, (the President,) who recently addressed an out-of-door crowd, saying none but cowards shirk this Cuban bill. He told the Senator the Republicans did not tremble nor shrink. He referred to the trial of physical endurance at the last session, and hinted that they could endure as much again. He denied that the Republicans were obstructing legitimate business, but said they were opposed to this Cuban measure, by which nothing was intended but a party result.

Mr. Seward was not in the habit of impugning the courage of any man. He believed every Senator had sufficient. He himself had enough for his own purposes. But other qualities are also necessary. There is moral courage. There is truthfulness to pledges. The President had power to carry out his pledges, and has he done so? Where is the Pacific railroad bill? where his protection of white labor? relief to the bankrupt? Lost, sunk, sacrificed, in his attempts to fasten Slavery on the Spanish American States. No part of the President's policy has been carried out, but it is all sacrificed to a false and pretended issue. Out of nothing, nothing is expected to come. He (Mr. Seward) had never mistaken the President's policy. He never mistook it for a giant in arms, but for a windmill with sails. Mr. Seward concluded by an energetic declaration that he is to be found on the side of Liberty everywhere and always.

Mr. Toombs replied at some length, till Mr. Johnson, of Arkansas again raised a question of order, to cut off debate.

At eleven o'clock, there was a crowded audience; half the Senators were in their seats, while the rest were reading and smoking in the ante-room.

Mr. Doolittle finally declined to withdraw his motion.

At midnight, Mr. Chandler attempted to reply to the remarks of Mr. Toombs respecting demagogues.

The Vice President ruled that he was not in order.

Mr. Fessenden appealed from the ruling of the Chair.

Mr. Mason again moved to adjourn. Lost by 20 to 30.

The appeal of Mr. Fessenden was then laid on the table.

Mr. Clark then spoke; after which, Mr. Doolittle's motion to take up the Homestead bill was voted on, and lost, by yeas 17, nays 28:

Yeas—Messrs. Broderick, Cameron, Chandler, Clark, Collamer, Doolittle, Fessenden, Foote, Foster, Hale, Hamlin, Harlan, Johnson of Tennessee, King, Seward, Simmons, Trumbull, Wade and Wilson—17.

Nays—Messrs. Allen, Bayard, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Douglas, Fitch, Green, Gwin, Hunter, Iverson, Johnson of Arkansas, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Shields, Slidell, Toombs, Ward, and Wright—28.

Mr. Mason moved to adjourn. It was manifest that the Senate could do nothing, and he feared the American people would consider this a humiliating spectacle.

The motion lost by 20 to 30.

Mr. Brown moved to lay Mr. Wilson's bill on the table. Agreed to, by 30 to 16.

Mr. Brown then proceeded to speak on the Cuba bill. He was in favor of the acquisition of the island; peaceably if possible, but forcibly if we must. He would now move to lay the bill on the table, as a test vote, but would vote against his own motion.

The test vote was then taken, and the motion was lost by yeas 18, nays 30:

Yeas—Messrs. Broderick, Cameron, Chandler, Clark, Doolittle, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Kennedy, King, Seward, Simmons, Trumbull, Wade, and Wilson—18.

Nays—Messrs. Allen, Bayard, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Douglas, Fitch, Fitzpatrick, Green, Grow, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Shields, Slidell, Smith, Toombs, and Ward—30.

Mr. Davis paired off with Mr. Dixon, and Mr. Collamer with Mr. Wright.

On motion of Mr. Slidell, the Senate then adjourned at half past one o'clock, A. M.

HOUSE.

Mr. Hughes, of Indiana, asked leave to introduce a bill repealing the tariff of 1857, reviving the act of 1846.

Objection from both sides, amid confusion.

Mr. Hughes moved a suspension of the rules.

Mr. Morrill, of Vermont, gave notice that, should this prevail, he would offer his bill as a substitute.

Mr. Jones, of Tennessee, supposed, if the rules were suspended, the bill must have its first consideration in Committee of the Whole, where every member could offer amendments.

Mr. Hughes said, suspend the rules first, and debate afterwards.

Mr. Vallandigham gave notice of a substitute to suspend the tariff of 1857, and revive that of 1846, for two years from the 1st of July next.

The motion of Mr. Hughes to suspend the rules was negatived—85 against 94.

Mr. Phelps, of Missouri, appealed to the House to reconsider the vote by which the Post Office appropriation bill was rejected. If this was not done, a new bill would have to be introduced.

Mr. Blair, of Missouri, moved to lay the motion to reconsider on the table. Negatived—84 against 104.

The vote was subsequently reconsidered.

Mr. Phelps, of Missouri, referred to the course of his colleague, Mr. Phillips, on the Committee of Ways and Means, saying that a vote against the bill came with a bad grace from him, considering that he was placed thereon at the instance of the friends of the Administration, and had proposed amendments to the bill. If he considered its features objectionable——

Mr. Owen Jones, of Pennsylvania, asked whether he understood Mr. Phelps to say that Executive influence had been exerted to place a member on any committee of this House?

Mr. Phelps replied, he had made no such charge. He asked Mr. Jones, "Do you consider yourself a friend of the Administration?"

Mr. Jones. I do, and am prepared to carry out the recommendation of the President. Can you say as much?

Mr. Phelps. And if you ask me whether I am prepared to carry out all that is recommended, I say no, I will not.

Mr. Montgomery, of Pennsylvania. What right have you to set yourself up to arraign the friends of the Administration? [Laughter.]

Mr. Phelps. It is not for the gentleman to complain, considering where he stands. He stands elsewhere than with the friends of the Administration.

Mr. Stanton, of Ohio, rose on the opposite side of the hall, to say something, but his words were lost in the general confusion.

Mr. Phillips, of Pennsylvania, replying to Mr. Phelps, said that the remarks of the latter could not have come from a worse quarter. Was he to be schooled here, and vote as the gentleman from Missouri wished? Did not Mr. Phelps, as the friend *par excellence* of the Administration, charge that an amendment was to be put in the bill as a rebuke to the Administration, about the success of which he was so anxious? Mr. Phelps had any agency in having him placed on the Committee of Ways and Means, this was the first time he had heard of it. If he was so placed there that he might follow his or Executive dictation, the gentleman from Missouri had mistaken him greatly. He would rather resign his place on the committee than resign his manhood. He had voted in the committee as he thought right.

Mr. Phelps. I ask the gentleman to point out any objectionable appropriations in the bill.

Mr. Phillips. You have no right to ask me that.

Mr. Phelps. Can you put your finger on a single one?

Mr. Phillips. I can.

Mr. Phelps. Specify it.

Mr. Phillips, emphatically. I will not. You've got to take my word. I voted against the bill because I thought it ought not to pass, and will vote against it again. The gentleman alluded to me as having once belonged to his party.

Mr. Phelps. I referred to a gentleman sitting near you.

Mr. Montgomery. What does the gentleman mean by that? [Laughter.]

The Speaker was here obliged to restrain the prevailing disorder.

Mr. Phillips wanted Mr. Phelps to understand now and henceforth that he would vote as he thought right, without reference to Mr. Phelps's views, and without an attempt to relieve him from any responsibility.

Mr. Phelps explained. He did not say that he had any agency in placing Mr. Phillips on the Ways and Means Committee, but that he was placed there by the wishes and at the urgent solicitation of the friends of the Administration.

Voices. "Who are they?"

Mr. Phelps did not mean to intimate that the Speaker was at all biased in appointing the committee, but, as was usual, he had listened to suggestions. When the session commenced, and before the Committees were appointed, he remembered that rumor said that Mr. Phillips had been strongly urged for a member of the Ways and Means Committee. It had been said that the fifteen Democrats from Pennsylvania would not hence forward vote for any of the appropriation bills.

Mr. Reilly, of Pennsylvania, replied, so far as that rumor was concerned, it is untrue.

Mr. Phillips. It was never agreed to.

Mr. Ritchie, of Pennsylvania, suggested that perhaps Mr. Phillips had got into a difficulty by not knowing what is to be considered as the Administration.

After further debate, the vote by which the bill was engrossed was reconsidered, by a large majority, and the subject passed over.

The House went into Committee on the naval appropriation bill.

Mr. Sherman, of Ohio, moved to reduce the appropriation of $3,100,000 for repairs, armament, equipment, and fuel, for the steamers, and hemp, to $1,900,000, to be expended as follows; Six hundred thousand for hemp, and other materials, and a million for repairs, etc., with the proviso that not more than one thousand dollars shall be expended at any navy yard, unless the necessity of such repairs be demonstrated by a report of a board consisting of not less than three naval officers. He referred to the fact that both branches of the select committee admit gross frauds, which ought to be abolished; and such was the object of his amendment.

Mr. Phelps, of Missouri, replied, saying that, in the present condition of affairs, the navy ought not to be curtailed, and that there may be use for it in the Gulf.

Mr. Garnett, of Virginia, spoke on the subject of extravagant expenditures. He wanted the Government to feel the only way of making them economical.

Mr. Florence, of Pennsylvania, advocated the full appropriation of the proposed bill, showing that the large additions which have been made to the navy required it.

Mr. Bocock, of Virginia, argued that, instead of being reduced, the amount for coal should be increased, owing to the number of steamers afloat, including those of the Paraguay expedition. The coal agents may have been useless and incompetent; but there was no evidence before the special committee to show that there were frauds in the purchase of anthracite coal, for that article was satisfactorily and economically purchased.

Mr. Sherman read from both reports of the select committee, in proof that there were frauds in the purchase of coal.

Mr. Bocock, replying, said that Mr. Sherman had given the testimony a construction which was not just and fair.

Mr. Sherman's amendment was adopted.

Mr. Colfax, of Indiana, offered one, that the expenses of the suits against Commodore Paulding, growing out of his seizure of Walker and his followers, shall be paid out of the amount appropriated for contingent expenses of the navy.

The Chairman's decision, ruling it out of order, was sustained by ten majority.

Several other amendments were discussed for three hours.

When the time for voting came, the House found itself without a quorum, whereupon the roll was called to note the absentees.

At six o'clock, an ineffectual motion was made to adjourn.

The House was then called to secure a quorum.

A large number of members were excused for non-attendance, principally on account of sickness.

A motion was then made, that all further proceedings in regard to the call be dispensed with.

Mr. McQueen, of South Carolina, said the rules should be enforced. There was no propriety in making these proceedings a farce, especially as we were threatened with an extra session.

Mr. Florence, of Pennsylvania, hoped the Democratic absentees would be brought in, for the Republicans had, to-day, been in good attendance, and had beaten the Democratic side on every vote.

Mr. Letcher, of Virginia, moved to adjourn. He saw no necessity, after such excuses had been made, to stay here longer.

The House then refused to suspend further proceedings, and also refused to adjourn.

On motion of Mr. Stanton, the Sergeant-at-arms was directed to go and search for the absentees, and bring them in.

Mr. Moore, of Alabama, made an ineffectual motion to adjourn. He thought these proceedings nothing but a farce, and that the members present were punishing themselves only by staying here.

The Sergeant-at

WASHINGTON, D. C.

Admission of Oregon.

SPEECH OF HON. JOHN A. BINGHAM,

OF OHIO,

IN THE U. S. HOUSE OF REPRESENTATIVES,

FEBRUARY 11, 1859.

MR. SPEAKER: I am constrained to oppose this bill for the admission of Oregon as a State, with the Constitution presented by the people of that Territory. I would refer the question back to that people, as proposed by the amendment of which I have given notice, and allow them without delay to frame a Constitution in conformity with the Constitution of the United States.

My opposition to this bill cannot be attributed to any mere sectional prejudice. The geographical locality of Oregon excludes any such conclusion as to myself. Oregon belongs to the Northwest—that portion of the country from which I come, and which I have the honor, in part, to represent on this floor. Nor can gentlemen attribute my hostility to this bill to the consideration that Oregon has not population equal to that required by law for a Representative in Congress. This Constitution was adopted by the people of Oregon on the 9th day of November, 1857. She had not then, in my judgment, over fifty thousand of representative population; even the Delegate from that Territory [MR. LANE] has not ventured to say that she had then the representative number. But, sir, although Oregon had not then, and has not now, the representative ratio—certainly no more population than Kansas—I would not exclude her on that account.

It does not become gentlemen who have suspended the right of petition in Kansas by the infamous provision of the conference act, to insist that those of us on this side shall not only recognise the right in Oregon to come in with her present population, but shall grant their petition for admission, even though it asks a departure from, and an infraction of, the Constitution of the United States. There never was any enabling act passed, authorizing the people of Oregon to frame this Constitution. In my judgment, no enabling act was needful to authorize the people of Oregon to frame a Constitution and memorialize Congress for admission under it. Their right so to petition Congress is inherent, and guaranteed by the Constitution. But I ask why this right should be regarded in Oregon and forbidden in Kansas? Gentlemen have no right thus to discriminate; and if they do, they cannot claim that they are the exclusive friends of free States, and of their admission into the Union. They may prate that to marines, not to old sailors. The Constitution declares that each State shall have at least one Representative in Congress, irrespective of population. Hence I conclude that the want of ninety-three thousand four hundred and twenty of population in Oregon ought not to exclude her.

Sir, the reasons which constrain me to oppose the admission of Oregon, apply irrespective of latitude or of any prevailing political sentiment among the people of the proposed State. In my judgment, sir, no Representative should inquire, upon a question of the admission of a new State, whether its locality be in the North or South, the East or West of the Republic; whether its people range themselves politically as Democrats or Republicans. I protest that no such considerations do now, or have at any time, influenced my mind upon this question. I look upon the erection of new States and their admission into the Union as an object of patriotic desire. No man does or can sympathize more warmly than myself with the pioneers of American civilization—the founders of new States, who extend the limits of the Republic, who carry the arts of civilization into the wilderness, and make glad its solitary places with the homes of freemen; who make your hitherto wild and uncultivated lands to yield their annual increase, and your hitherto solitary rivers to bear the products of a thrifty industry or contribute their motive power to the production of new wealth; whose rugged, busy hands, energized by the creative power of genius, uncover the immense mineral deposits of the great West, subject them to the tried processes of science, and mould them, amid the darkness which broods over the blast of the furnace and the rolling of the wheel, into forms of strength and use and beauty. Such men, sir, are entitled to our consideration, and no man will more cheerfully or cordially than myself, favor any legitimate or just legislation for their benefit.

But, however much I desire the admission of the new State of Oregon, I cannot consent to sanction the Constitution now before us, by giving my vote for this bill. I know, sir, there are those, and amongst them, I regret to say, the gentleman from Massachusetts, [MR. THAYER,] who hold that we do not sanction this Constitution by voting for the bill admitting Oregon into the Union. The gentleman from Massachusetts [MR. THAYER] said, that when he took his official oath to support the Constitution of the United States, he did not swear that other people should not violate it. I tell that gentleman, and all who agree with him, that every officer, Federal and State, whether legislative, executive, or judicial, who has taken that official oath which we have all taken, to support the Constitution of the United States, are bound in conscience and in law by that oath, neither to violate that Constitution themselves, nor to permit others to violate it by their act and with their consent. What we do by another, we do ourselves. The fact, sir, cannot be gainsayed, that by passing this bill, we sanction the Oregon Constitution, and make it the fundamental law of that Territory. It is equally clear that, by our rejection of this bill, that instrument called the Constitution of Oregon will have no more effect than the paper on which it is printed.

Suppose the proposed Constitution organized an absolute despotism; would gentlemen say that they had no alternative left them but to register their votes for it, and thereby give force and effect to it, because it was the will of the people in that distant Territory, and republican in form? The people of the Territory of Oregon have the sole right to frame a State Constitution for themselves, but they must so exercise that right as not to embody in their Constitution provisions repugnant to the Constitution of the United States, violative of the rights of citizens of the United States. In my judgment, sir, this Constitution, framed by the people of Oregon, is repugnant to the Federal Constitution, and violative of the rights of citizens of the United States. I know, sir, that some gentlemen have a short and easy method of disposing of such objections as these, by assuming that the people of the State, after admission, may, by changing their Constitution, insert therein every objectionable feature which, before admission, they were constrained to omit in order to secure the favorable action of Congress. If this assumption implies that new States have the right so to do, to the infringement of the Constitution of the United States, and of the rights of the citizens thereof, I deny the assumption. If the assumption only means that they *might* arrogate to themselves the exercise powers which they do not possess, to the prejudice and injury of themselves, and in contravention of the Federal Constitution and of the rights of citizens of the other States of the Union, it only tends to prove, if anything, too much, to wit: that new States ought not to be admitted. Such reasoning, to my mind, proves nothing; or, if anything, that we should consent to a violation of the Constitution of our country, and of the rights of the people and the rights of the States, because the same wrong might be done by others.

This assumption, sir, implies, that by the very act of admission, under whatever form of Constitution, you arm the new State with the sole power over persons and property within its territorial limits; and therefore, however oppressive or unjust its legislation may be, however odious or unconstitutional, it is without remedy, and is resultant from our action here. This assumption supposes that the States are not limited by the Constitution of the United States, in respect of the personal or political rights of citizens of the United States. I cannot agree to that; it is a marked advance even upon the Squatter Sovereignty of the Kansas-Nebraska act, which, in express terms, limits the sovereignty of the people by the expressive and significant words, that the domestic institutions, which they are declared "perfectly free" to form, must be "subject to the Constitution of the United States." This assumption ignores these words of limitation upon State sovereignty, set forth in the Constitution of the United States, to wit: "this Constitution, and the laws and treaties made in pursuance thereof, shall be the supreme law of the land, the Constitution and laws of any State to the contrary notwithstanding."

I cannot give this Oregon Constitution the force and effect of law, upon the assumption that, to require the people first to make it conformable to the Constitution of my country and natural justice, is a mere abstraction; that, after admission upon a just Constitution, they may of right change it to an unjust one, and by our act be armed with the power to do so; and that, too, without remedy. No man has any right to assume any such result. What, sir, is a State, formed under the Constitution of the United States, but a collection of citizens, each of whom is bound by the restrictions of the Federal Constitution, and so continue to be collectively after their State organizations, as they were individually before? This is an old idea. It was entertained by the fathers of the Republic, and by them incorporated in their early legislation for the government of the Territories and the organization and admission of new States. I have seen this principle illustrated in this House since I have had the honor of a place on this floor.

By the Constitution of Illinois, all votes cast for two of her Representatives, elected to the Thirty-fourth Congress, were declared void by reason of disabilities imposed upon them by the amended Constitution of that State. On this ground, their seats were contested by gentlemen who received all the legal votes cast, if the superadded restrictions of the State Constitution of Illinois were to be allowed to control the rights of the people under the Federal Constitution. This House disregarded the State restrictions, because it contravened the rights of the people under the Federal Constitution, and decided that votes for Representatives in Congress, given for persons having the qualifications prescribed by the Federal Constitution, were valid, the State Constitution to the contrary notwithstanding. The conclusion that any State Constitution, or State law, which conflicts with the Constitution of the United States, and impairs any right, political or personal, guarantied thereby, is null and void, logically results from that provision which declares the Constitution of the United States, and the laws and treaties made in pursuance thereof, to be the supreme law of the land. To the right understanding of the limitations of the Constitution of the United States upon the several States, it ought not to be overlooked, that whenever the Constitution guaranties to its citizens a right, either natural or conventional, such guarantee is in itself a limitation upon the States; whenever the Constitution confers a general power to legislate or make treaties, the limitation arises only upon the rightful exercise of the power. In the one case it is the Constitution, in the other it is the law or treaty, that is the supreme law.

The Oregon Constitution, in its first section, second article, violates a law of the United States; unless, indeed, your proposed act of admission, being inconsistent with a pre-existing law of the United States, be a repeal of that law. I shall not consider the question of the repeal of the naturalization laws at this time. I take it for granted that gentlemen who insist on the passage of this bill, and the establishment thereby of this Oregon Constitution as the fundamental law of that Territory, do not advocate a repeal of the naturalization laws of the United States. The second section of the second article of the Oregon Constitution contains these words:

"In all elections not otherwise provided for in this Constitution," * * * "every white male of foreign birth, of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States one year preceding such election," * * * "shall be entitled to vote at all elections authorized by law."

Now, sir, this is simply a provision that aliens, upon one year's residence, after a mere declaration of intention to become a citizen of the United States, may vote at all general elections, for all Federal and State officers; that aliens, by reason of one year's residence after a declaration of intention, may elect your Representative in Congress, and select the State Legislature to choose your United States Senators, and elect Presidential electors for the purpose of choosing a President and Vice President of the United States. I do not hesitate to say that this presents the question, whether a State may transfer the sovereignty of the ballot, which is the ultimate sovereignty of the country, to aliens, on one year's residence, and a mere declaration of intention to become citizens of the United States when it suits them, and not before. If there were no other objection to this Constitution, I might surrender my individual judgment to the bad precedents in the cases of the admission of Michigan, Wisconsin, and, more recently, of Minnesota. I think such concessions to new States most pernicious in policy, and of doubtful constitutionality.

By declaring his intention to become a citizen of the United States, an alien does not renounce his allegiance to the Government of his native country, nor does he acknowledge any allegiance to ours. He only gives notice that he may do so at his pleasure. He may never carry out his intention, and there is no law to compel him. When the Oregon enabling act passed this House in the Thirty-fourth Congress, it was so amended, by an overwhelming vote of the House, as to limit the elective franchise in the election of delegates to frame a Constitution for Oregon, and in the ratification thereof, to citizens of the United States. That act never passed the Senate. But a like amendment to the Minnesota enabling act was, in the Senate, voted for by every Senator present at the time, except one. The Constitution of the United States, in the first sec. provides that the Representatives in Congress "shall be chosen by the people of the several States;" and that the electors shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures of the several States. The people here referred to are the same community, or body politic, called, in the preamble of the Federal Constitution, "the people of the United States." They are citizens of the United States, and no other people whatever. It has always been well understood amongst jurists in this country, that the citizens of each State constitute the body politic of each community, called the people of the State; and that the citizens of each State in the Union are *ipso facto* citizens of the United States. (Story on the Constitution, vol. 3, p. 565.)

Who are citizens of the United States? Sir, they are those, and those only, who owe allegiance to the Government of the United States; not the base allegiance imposed upon the Saxon by the Conqueror, which required him to meditate in solitude and darkness at the sound of the curfew; but the allegiance which requires the citizen not only to obey, but to support and defend, if need be with his life, the Constitution of his country. All free persons born and domiciled within the jurisdiction of the United States, are citizens of the United States from birth; all aliens become citizens of the United States only by act of naturalization, under the laws of the United States. What I have said on this question of United States citizenship, and the words "the people," as used in the Constitution of the United States, is sustained by jurists and the decisions of the courts, Federal and State.

Rawle writes as follows:

"The citizens of each State constituted the citizens of the United States when the Constitution was adopted. The rights which appertain to them as citizens of those respective Commonwealths accompanied them in the formation of the great compound Commonwealth which ensued. They became citizens of the latter, without ceasing to be citizens of the former; and he who was subsequently born a citizen of a State, became, at the moment of his birth, a citizen of the United States."—*Rawle on the Constitution*, page 86.

Chancellor Kent says:

"If a slave, born in the United States, be manumitted, or otherwise lawfully discharged from bondage, or if a black man be born within the United States, and born free, he becomes thenceforward a citizen."—2 *Kent's Com.*, 4th ed., page 257—Note.

For the benefit of the other side of the House, who profess a more than Eastern devotion to the Supreme Court of the United States, and in its decision in the Dred Scott case, I quote from the opinion of the Chief Justice in that case the following:

"The words 'people of the United States,' and 'citizens,' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the Government through their representatives."—19 *Howard, S. C. R.*, page 404.

I undertake to say, that the terms "people of the United States," as used in the Constitution, and "people of the several States," are invariably received this judicial construction in all our courts, State and National; and on this point I challenge contradiction.

In the same case, the same court says further:

"It is true, every person, and every class and description of persons, who were, at the time of the adoption of the Constitution, recognised as citizens in the several States, became also citizens of the new political body; but none other; it was formed by them, and for them and their posterity; but for no one else. And the personal rights and privileges guaranteed to citizens of this new sovereignty, were intended to embrace those only who were then members of the several State communities, or who should afterwards, by birthright or otherwise, become members according to the provisions of the Constitution, and the principles on which it was founded. It was the union of those who were, at that time, members of distinct and separate political communities into one political family, whose power, for certain specified purposes, was to extend over the whole territory of the United States. And it gave to each citizen rights and privileges outside of his State which he did not before possess, and placed him in every other State upon a perfect equality with its own citizens, as to rights of person and rights of property—it made him a citizen of the United States.

The importance that attaches to this question of who are citizens of the United States, may be inferred from the fact that the fathers of the Republic provided that death should be the punishment of that crime which only citizens can commit. The first section of the crimes act for the punishment of treason is the only statute of the United States on that subject, and is as follows:

"That if any person or persons, owing allegiance to the United States of America, shall levy war against them, or shall adhere to their enemies, giving them aid and comfort within the United States or elsewhere, and shall be thereof convicted," * * * "such person or persons shall be adjudged guilty of treason against the United States, and shall suffer death."—1 *United States Laws*, page 112.

The Congress of the United States should not consent that the sovereignty of the ballot, which is the sovereignty of America, should be transferred by its act to those who may use it to aid treason, and who may themselves levy war upon us, and give aid and comfort to the enemy, without any legal responsibility for their acts.

Who would admit the adhering subjects of the perjured House of Hapsburg to the use of a part of the sovereignty of our country in aid of their infamous master?

If I am right in this, sir, then I submit that the elective franchise for the election of Federal officers, either directly or indirectly, should be confined to, and exercised exclusively by, citizens of the United States, resident within the several States. That the several States have, by the terms of the Federal Constitution, the exclusive power to regulate and control the exercise of the elective franchise in all general elections, Federal and State, is conceded; but I do deny that any State can rightfully, under the Federal Constitution, transfer this great political privilege, in whole or in part, from the citizens of the United States, native and naturalized, to aliens, who owe no allegiance to our Constitution, who are not obliged to bear arms in defence of our country, and who cannot be held to answer for treason if they give aid and comfort to the public enemy, or if they themselves levy war against us. If the States may transfer this right in part to aliens, they may give it exclusively to *aliens!* What is the elective franchise, which you propose to give to aliens? It is the sovereignty of America, secured by the Constitution to the people, the citizens of the United States resident within the several States, and by the exercise of which, directly or indirectly, the people appoint persons of their choice to fill the legislative, judicial, and executive departments of their own Government; make, interpret, and enforce their own treaties and laws, and do all other acts which a free and independent people may of right do.

Between myself and gentlemen there is a perfect agreement in this, that the several States may determine who, amongst the citizens of the United States resident within their respective limits, may exercise the elective franchise; they may prescribe the age of majority requisite to the exercise of this right; the term of residence within the State; whether citizens, male or female, shall vote; whether a tax or property qualification shall be required; but I deny that any State may rightfully transfer this political right from the citizen to the alien, and, it may be, to the open and avowed enemy of the country and the Constitution! Of the several States composing the Union, there are but four which, by their Constitutions, confer the elective franchise upon aliens. These are all modern innovations; they are Michigan, Wisconsin, Indiana, (by her amended Constitution,) and Minnesota. This last State not only makes aliens electors, but also declares them eligible to the State Legislature. The words used in some instances in the Constitutions of some of the original States, and of the first of the new States, such as "freemen" and "inhabitants," have generally, if not always, been construed to mean and intend citizens.

The Constitution very clearly imports that only persons born here or naturalized by law are citizens of the United States; for, in prescribing the qualifications of Senators and Representatives in Congress, the Constitution employs the term "citizens of the United States," and in prescribing the qualifications of President of the United States, it employs the terms, "natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution." These provisions, together with the express power conferred upon Congress to establish a uniform system of naturalization, are only intelligible upon the hypothesis that citizens of the United States are the free inhabitants, born and domiciled within the United States, or naturalized under the laws thereof, and that these alone are citizens, when resident therein, of the several States, and, as such, constitute the body politic, the people of the several States, who should exercise the elective franchise in the general elections, either State or National.

That such is the true intent and meaning of the Constitution, may well be inferred from the express provisions of the fourth and fifth sections of the first article of the Constitution; the first of which is, that the "times, places, and manner, of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators;" and the latter of which provides, that each House [of Congress] shall be the judge of the elections, returns, and qualifications, of its own members." Here is a power expressly given to Congress to prescribe, by law, the manner, as well as the times, of choosing Representatives and Senators. This power was manifestly conferred, as was also the power in each House to judge of the elections of its members, to enable the people of the United States, as one body politic, to maintain their National Government, under the peaceful operation of law, against any and every attempt on the part of any of the States, or the Legislatures thereof, to interrupt or overthrow it; and, above all, I maintain that these powers were conferred for the especial protection of the political rights of the citizens of the United States. How strongly they proclaim the fact—one people, one Constitution, and one country!

Sir, what are the distinctive political rights of citizens of the United States? The great right to choose (under the laws of the States) severally, as I remarked before, either directly by ballot, or indirectly through their duly-constituted agents, all the officers of the Federal Government, legislative, executive, and judicial, and through these to make all constitutional laws for their own government, and to interpret and enforce them; the right, also, to hold and exercise, upon election thereto, the several offices of honor, of power, and of trust, under the Constitution and Government of the United States. It is worthy of remark, that every political right guarantied by the Constitution of the United States is limited by the words people or citizen, or by an official oath, to those who owe allegiance to the Constitution. The right to exercise the office of a Representative or Senator in Congress is a political right, and, by the terms of the Constitution, its exercise is limited to citizens of the United States, being inhabitants of the States *in* which, not *by* which, they are chosen. The reservation of political powers is a reservation to the States or the people—both of which terms import citizens of the United States—and limit the exercise of all reserved powers to the citizens of the United States, acting as such through their National or State organizations.

And, sir, another illustration of my position, I invite attention to the significant fact that natural or inherent rights, which belong to all men, irrespective of all conventional regulations, are by this Constitution guarantied by the broad and comprehensive word "person," as contradistinguished from the limited term citizen—as in the fifth article of amendments, guarding those sacred rights which are as universal and indestructible as the human race, that "no person shall be deprived of life, liberty, or property, but by due process of law, nor shall private property be taken without just compensation." And this guarantee applies to all citizens within the United States. That these wise and beneficent guarantees of political rights to the citizens of the United States, as such, and of natural rights to all persons, whether citizens or strangers, may not be infringed, it is further in this National Constitution provided:

"That this Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."—*Article 6.*

There, sir, is the limitation upon State sovereignty—simple, clear, and strong. No State may rightfully, by Constitution or statute law, impair any of these guarantied rights, either political or natural. They may not rightfully or lawfully declare that the strong citizens may deprive the weak citizens of their rights, natural or political; and if the State should do so by enacting statutes to that effect, there stands the limitation of the Constitution of the United States, sanctioned by the strong avertment assented to and ratified by all the people and all the States—this Constitution shall be the supreme law; and the judges in every State shall be bound thereby. Every State in this Union, either by the express words of their respective Constitutions, or by construction, restrict the right of the elective franchise to those who owe allegiance to the Government and Constitution of the United States, except the States of Michigan, Indiana, Wisconsin, and Minnesota. If resistance to the admission of new States, on the ground that their Constitutions confer this great political right of the citizen upon aliens, is not allowable, and will not be heard here, I shall then appeal to that public opinion which, after all, is the strongest defender of the Constitution against such innovation, and of the rights of the people against such infringement.

I have but a word more on the point that the States may not transfer the great right of American sovereignty from the citizens of the United States, resident therein, to aliens, nor make aliens citizens of the United States. Let the self-constituted champions of State rights, who clamor for the right of the States to make the alien a citizen of the United States by investing him with the highest privilege of a citizen, remember that Jefferson, the great apostle of State rights, signed the act of 1802, which still stands in full force on your statute book, and contains these words:

"Any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise."

After these words follow the provisions for naturalization. Any alien shall become a citizen of *any* State of the Union only as prescribed by this law! For State-rights men to talk about the right of any of the States to confer the right of citizenship on aliens, in violation of this Jeffersonian statute, is enough to make the very ashes of that apostle of the rights of the States move in his coffin!

But, sir, there is a still more objectionable feature than alien suffrage in this Oregon Constitution. That is the provision of the schedule which declares that large numbers of the citizens of the United States shall not, after the admission of the proposed State of Oregon, come or be within said State; that they shall hold no property there; and that they shall not prosecute any suits in any of the courts of that State; and that the Legislature shall, by statute, make it a penal offence for any person to harbor any of the excluded class of their fellow-citizens who may thereafter come or be within the State. This provision seems to me, in its spirit and letter, to be injustice and oppression incarnate. This provision, sir, excludes from the State of Oregon eight hundred thousand of the native-born citizens of the other States, who are, therefore, citizens of the United States. I grant you that a State may restrict the exercise of the elective franchise to certain classes of citizens of the United States, to the exclusion of others; but I deny that any State may exclude a law-abiding citizen of the United States from coming within its territory, or abiding therein, or acquiring and enjoying property therein, or from the enjoyment therein of the "privileges and immunities" of a citizen of the United States. What says the Constitution:

"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."—*Article 4, section 2.*

Here is no qualification, as in the clause guarantying suffrage or an elective representation to the people; here is no room for that refined construction, that each State may exclude all or any of the citizens of the United States from its territory. The citizens of each State, all the citizens of each State, being citizens of the United States, shall be entitled to "all privileges and immunities of citizens in the several States." Not to the rights and immunities of the several States; not to those constitutional rights and immunities which result exclusively from State authority or State legislation; but to "all privileges and immunities" of citizens of the United States in the several States. There is an ellipsis in the language employed in this provision, but its meaning is self-evident, that it is "the privileges and immunities of citizens of the United States in the several States" that it guarantees.

This guaranty of the Constitution of the United States is senseless and a mockery, if it does not limit State sovereignty, and restrain each and every State from closing its territory and its courts of justice against citizens of the United States. Lest it may be said that I have overstated the odious provisions of this Oregon Constitution, I read the entire provisions of that section of the schedule, and which is expressly declared to be "a part of this Constitution:"

"SEC. 4. No free negro or mulatto, not residing in this State at the time of the adoption of this Constitution, shall ever come, reside, or be within this State, or hold any real estate, or make any contract, or maintain any suit therein; and the Legislative Assembly shall provide by penal laws for the removal by public officers of all such free negroes and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ or harbor them therein."—*Oregon Constitution, Mis. Doc., No. 38, page 20.*

The Constitution of Oregon, which contains this infamous atrocity, was adopted on the 9th of November, 1857; and we, by approving it, and giving to it the force of law, as we shall do if we pass this bill, declare that our legislation for this horrid oppression shall not only operate upon these proscribed eight hundred thousand freemen, citizens of the United States, from and after this day, but, by relation to the time of the adoption of this instrument, shall operate from the 9th of November, 1857. Since that day, doubtless, some of this excluded class have entered that Territory; and, if they have, you declare, by passing this bill, that their entrance of that Territory, after that day, was a crime; "that they shall not reside, or be" within that State; that they shall hold no real estate there, although acquired before you passed this bill, or gave effect to that act of exclusion; that they shall make no contract; that they shall maintain no suit, either for the enforcement of a right or the redress of a wrong; that they shall be expelled and "effectually excluded" by penal enactments; and that whoever harbors them within that State, whoever shelters them in sickness or distress, in hunger or in cold, shall be guilty of a crime before the law, and punished as a criminal. Would not this be an *ex post facto* law? By what authority, sir, can you enact it? It is forbidden by the Constitution of the United States.

That our country might be saved the shame and infamy and crime of such legislation, our fathers inserted in the first article, ninth section, of the Constitution, an absolute and perpetual prohibition in these words: "No *ex post facto* law shall be passed." This inhibition of our National Constitution, sir, is as sacred as any other provision of that great instrument; and the official oath "to support the Constitution," which you in your great office administered to all of us, binds us, in my judgment, to respect alike all the specific requirements and limitations of the Constitution, not only to save it from violation or infringement by our own act, but by the act of others with our consent! But, sir, this odious section is not only retroactive in its penal and offensive provisions, but it extends the same prohibitions over the future—all the future. "No free negro or mulatto, not residing in this State at the adoption of this Constitution, shall ever come, reside, or be, within this State, or hold any real estate, or make any contract, or maintain any suit therein;" and this denial to eight hundred thousand citizens of the United States and their descendants forever to hold real estate in Oregon, or make contracts, or maintain any suit in vindication of their rights, or for the redress of their wrongs, is to be enforced by the same atrocious sanction—the enactment of penal laws—which is especially enjoined by this infamous instrument upon the Legislative Assembly of Oregon.

Gentlemen say that we violate the ordinance of 1787, which, by the act of 1848, was extended over Oregon, by resisting the admission of Oregon upon this Constitution. I very much fear that gentlemen who say this, have never read the ordinance of 1787. I mean no disrespect, sir; but I say the veriest dolt cannot fail to see that this provision of the Oregon Constitution is in direct conflict with, and violative of, the second article of that great ordinance. That article declares that the inhabitants of that Territory shall always be entitled to the benefit of the writ of *habeas corpus* and of the trial by jury. This Constitution of Oregon denies both these rights to some of the inhabitants. That article declares that no man shall be deprived of his liberty or property but by the judgment of his peers or the law of the land. This sacred provision is also violated by this Constitution of Oregon, unless, indeed, gentlemen say a negro or mulatto is no man, but only a brute. That article further declares:

"For the just preservation of rights and property, it is understood and declared, that no law ought ever to be made or have force in the said Territory, that shall, in any manner whatever, interfere with private contracts or engagements, *bona fide* and without fraud previously formed."

This will be the very effect of your retroactive legislation, which gives force to this Constitution of Oregon; which declares, in section three of the schedule, that it shall take effect from its adoption, and that no negro or mulatto not residing there at the time of its adoption, (9th November, 1857,) "shall ever hold any real estate, make any contract, or maintain any suit therein." Contracts, therefore, made by such persons, since 9th November, 1857, are to be held null and void, and real estate, by them acquired, confiscated.

Sir, if the persons thus excluded from the right to maintain any suit in the courts of Oregon were not citizens of the United States; if they were not natives, born of free parents within the limits of the Republic, I should oppose this bill; because I say that a State which, in its fundamental law, denies to any person, or to a large class of persons, a hearing in her courts of justice, ought to be treated as an outlaw, unworthy a place in the sisterhood of the Republic. A suit is the legal demand of one's right, and the denial of this right by the judgment of the American Congress is to be sanctioned as law! But, sir, I maintain that the persons thus excluded from the State by this section of the Oregon Constitution, are citizens by birth of the several States, and therefore are citizens of the United States, and as such are entitled to all the privileges and immunities of citizens of the United States, amongst which are the rights of life and liberty, and property, and their due protection in the enjoyment thereof by law; and therefore I hold this section, for their exclusion from that State and its courts, to be an infraction of that wise and essential provision of the National Constitution to which I before referred, to wit:

"The citizens of each State shall be entitled to all the privileges and immunities of citizens IN THE SEVERAL STATES."

Who, sir, are citizens of the United States? First, all free persons born and domiciled within the United States—not all free white persons, but all free persons. You will search in vain, in the Constitution of the United States, for that word *white*; it is not there. You will look in vain for it in that first form of National Government—the Articles of Confederation; it is not there. The omission of this word—this phrase of caste—from our national charter, was not accidental, but intentional. I beg leave to refer gentlemen to the Journal of the Continental Congress, volume 2, page 606. By this reference it will be seen that in that Congress, on the 25th June, 1778, the Articles of Confederation being under consideration, it was moved by delegates of South Carolina to amend the fourth article, by inserting after the word "free," and before the word "inhabitants," the word "white," so that "the privileges and immunities of citizens in the several States should be limited exclusively to white inhabitants." The vote on this amendment was taken by States, and stood two States for and eight against it, and one equally divided. This action of the Congress of 1778 was a clear and direct avowal that all free inhabitants, white and black, except "paupers, vagabonds, and fugitives from justice," (which were expressly excepted,) were entitled to all the privileges and immunities of free citizens in the several States."

At the time of the adoption of the Constitution, only some States—South Carolina, Virginia, and Delaware—made *color* a qualification or basis of suffrage. In five of the others, the elective franchise was exercised by free inhabitants, black and white; and therefore, in five of the States, black men co-operated with white men in the elections, and in the formation of the Constitution of the United States. Inasmuch as black men helped to make the Constitution, as well as to achieve the independence of the country by the terrible trial by battle, it is not surprising that the Constitution of the United States does not exclude them from the body politic, and the privileges and immunities of citizens of the United States. That great instrument included in the new body politic, by the name of "the people of the United States," all the then free inhabitants or citizens of the United States, whether white or black, not even excepting, as did the Articles of Confederation, paupers, vagabonds, or fugitives from justice. Thenceforward, all these classes, being free inhabitants, irrespective of age, or sex, or complexion, and their descendants, were citizens of the United States. No distinctions were made against the poor and in favor of the rich, or against the free-born blacks and in favor of the whites. This Government rests upon the absolute equality of natural rights amongst men. There is not, and cannot be, any equality in the enjoyment of political or conventional rights, because that is impossible.

The franchise of the office of a Representative in Congress is a political right. It cannot be exercised by all; it is therefore limited to those who possess the qualifications of citizenship, age, and residence, prescribed by the Constitution, and who are duly elected by the majority of the people of any State or district entitled so to elect. So the elective franchise is a political right, which all cannot exercise, and is therefore limited to some citizens, to the exclusion of others. An infant in its cradle, the child of a citizen of the United States, is also a citizen of the United States, but has not the capacity to exercise this political right, and is therefore excluded from it. Practically, political rights are exercised only by the majority of the male population, and are subject to just such limitations as the majority see fit to impose. To this I have, and can have, no objection. Gentlemen need not trouble themselves, therefore, about the demagogue cry of "negro political equality of the negro!" Nobody proposes or dreams of political equality, any more than of physical or mental equality. It is as impossible for men to establish equality in these respects as it is for "the Ethiopian to change his skin." Who would say that all men are equal in stature, in weight, and in physical strength; or that all are equal in natural mental force, or in intellectual acquirements? Who, on the other hand, will be bold enough to deny that all persons are equally entitled to the enjoyment of life and liberty and property; and that no one should be deprived of life or liberty, but as punishment for crime; nor of his property, against his consent and without due compensation?

But it is not necessary to take time in demonstrating that all free persons born and domiciled within the United States are citizens of the United States. The fact is notorious, that at the formation of the Constitution but few of the States made color the basis of suffrage, and all of them, either by the terms of the construction of their Constitutions, affirmed the fact that all native-born free persons were citizens. Allow me to cite from those early State Constitutions. New Hampshire, by her Constitution of 1792, declared that every male inhabitant of the State, twenty-one years of age and upward, except paupers and persons excused from paying taxes at their own request, shall have a right to vote at all elections. This was construed to admit all but the law, and punished as a criminal. Would not this be an *ex post facto* law? By what authority, sir, can you enact it? It is forbidden by the Constitution of the United States.

That our country might be saved the shame and infamy and crime of such legislation, our fathers inserted in the first article, ninth section, of the Constitution, an absolute and perpetual prohibition in these words: "No *ex post facto* law shall be passed." This inhibition of our National Constitution, sir, is as sacred as any other provision of that great instrument; and the official oath "to support the Constitution," which you in your great office administered to all of us, binds us, in my judgment, to respect alike all the specific requirements and limitations of the Constitution, not only to save it from violation or infringement by our own act, but by the act of others with our consent! But, sir, this odious section is not only retroactive in its penal and offensive provisions, but it extends the same prohibitions over the future—all the future. "No free negro or mulatto, not residing in this State at the adoption of this Constitution, shall ever come, reside, or be, within this State, or hold any real estate, or make any contract, or maintain any suit therein;" and this denial to eight hundred thousand citizens of the United States and their descendants forever to hold real estate in Oregon, or make contracts, or maintain any suit in vindication of their rights, or for the redress of their wrongs, is to be enforced by the same atrocious sanction—the enactment of penal laws—which is especially enjoined by this infamous instrument upon the Legislative Assembly of Oregon.

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